DID QUEEN ELIZABETH TAKE "OTHER ORDER" IN THE "ADVERTISEMENTS" OF 1566?

A Postscript

TO A LETTER ADDRESSED TO

LORD SELBORNE,

IN REPLY TO HIS LORDSHIP'S CRITICISMS ON THE

"Introduction to the Revisions of the Book of Common Prayer,"

BY

JAMES PARKER,
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Of the Additional Evidence in Lord Selborne's Notes,
and
Of the Replies in my 'Letter' and 'Postscript.'

A Postscript, &c.

P.S. After the lapse of nearly a year, I venture to add a few pages to my 'Letter' addressed to your Lordship at the end of March last, upon the question, "Whether Queen Elizabeth 'took other order' in 1566."

§ 1. *Reason for this Postscript.*

I felt that in attempting to oppose an argument which had been laid down with much force in the five-and-twenty pages devoted to this subject in your Lordship's "Notes," and which had previously been introduced as an important element in the evidence by which the Judges in the Ridsdale case adjudged Mr. Ridsdale to have broken the law, I was taking a bold and, perhaps, an unwise step: I felt that I was laying myself open to rebuke for impertinence; and that possibly, by relying on evidence which should be shewn to be based upon error instead of upon fact, and by advancing arguments which should be proved to be worthless, I might injure instead of aid the cause which I had taken upon myself to advocate.

I therefore anxiously watched for, and carefully noted, criticism. From the review in the 'Athenæum,' which appeared immediately upon the publication of the 'Letter,' to that in the 'Academy,' which appeared but a few weeks back, nothing, I believe, which has been publicly written upon it has escaped my notice. Several private communications have also been received by me, containing comments, some from friends, some from strangers.

In surveying, however, the criticism both public and private which my 'Letter' has received, I see no reason to regret that I wrote it, or to retract one single argument therein advanced. All that I learn is that in detailing the evidence, slight errors in one or two instances have been committed, but they belong rather to slips of the pen than to misrepresentations which in any way would affect the argument: and that in the course of

a long chain of reasoning, some 'links' have been left out which are considered detrimental to the proof of the proposition which I desired to be established, namely, that "Queen Elizabeth did *not* take 'other order' in the Advertisements of 1566." On these grounds, to correct errors and to explain or add to the evidence adduced, this Postscript is written.

§ 2. "*Commissioners under the Great Seal.*"

Foremost amongst the one class is a slip (pointed out, it may be added, by your Lordship), on p. 10, where in introducing the Queen's Letters of 1561, I had written, "The Queen issued Letters under the Great Seal to her Commissioners[a]," instead of "The Queen issued Letters to her Commissioners under the Great Seal." In the extract on the same page the words are given correctly, and when in the next page I proceed to argument, the correct version is given.

Consequently the slip is of no importance to the argument, although I do not like to leave it uncorrected, as the statement might mislead if relied upon in respect of other questions.

§ 3. *The term "Order," instead of "Commission," applied to the Queen's Letter of* 1561.

The next error pointed out by your Lordship is, that Elizabeth's Letter of 1561 is styled an 'Order,' and here I can only say that it was not intended to use the word in any strict technical sense, nor thereby to influence any question which might arise as to whether the 'Advertisements' should be rightly compared with that Letter, or with some other document issued in connection with it.

For the purpose of shewing the nature of the error, and the

[a] It is a singular coincidence (and I believe it is nothing more), that Strype in his Life of Parker (vol. i. p. 165), says, "the Archbishop procured letters under the Queen's Great Seal." I cannot say that I had not referred to Strype, and *à priori*, this would be strong evidence that I must have been copying from him when I wrote; but I believe the error was purely my own, from carelessness in writing. The Act with which it was my object to shew that the Letter accords particularly states, "The Commissioners' under the Great Seal."

bearing it has on the questions at issue, it will be best perhaps to quote your Lordship's own words, taken from some historical notes sent to me for my perusal; and I have to thank your Lordship for permission to do so.

In the explanation here offered, an opportunity will be afforded of supplying the links which I gather from the argument are wanting. The omission may be thus stated—It was not sufficient for me to shew that the Advertisements did not receive the Queen's direct authority or signature; it ought to have been *shewn also* that they were not issued under a warrant which had that necessary authority, before my argument was complete.—

Your Lordship, in reference to the Queen's Letter of Jan. 22, 1561, writes to me :—

(1.) "That letter is a Commission—not an Order.

(2.) "It directs the Commissioners to do various things, *the detail* of which is (in most respects) left to them.

(3.) "It corresponds, not with the Advertisements, but with the Letter *or Commission* of the 25th Jan., 1565.

(4.) "If the '*order of the Commissioners*,' executing the Commission of Jan. 22, 1561, is extant, I am not aware where it is to be found."

What I contended for, and still venture to contend for, is, that in that document Queen Elizabeth availed herself of the Proviso in the Act passed by her Parliament, and took 'other order,' so far as in it and by it '*she required* the Archbishop,' with certain Commissioners, to do two things: first, to peruse and print a series of Corrections in the Lessons; secondly, to order Tables of the Commandments to be set up[b]. That as far as she was concerned, her action in taking both 'other' and 'further' order was *complete*, and that the instrument of 1561 was sufficient for the changes which were made in the Prayer-Book, and for the addition which was made to the ornaments of the Church, without the intervention of any other instrument. And

[b] See the warrant printed in my 'Letter,' p. 10. Although there are other directions in the document, they do not appear to come under the head of 'further' or 'other' order, unless the translation of the Services into Latin for the use of Colleges and the like be so considered.

it may be added, that I am borne out in this latter opinion by your Lordship's own words :—

"The Queen's Letter of the 22nd Jan., 1561 (under her signet), for the alteration of the Table of Lessons [c], also preceded the changes *made under its authority;* and it does not appear to have been followed by *any other* formal instrument approving those changes [d]."

Admitting a technical error [e] as regards the title applied in the 'Letter' to the document, since it styles itself a 'warrant' —'these shall be your sufficient warrant in this behalf',—I presume I may adopt that term. As regards, however, your Lordship's second statement, I venture, by the way, to submit that *very little* detail, rather than 'detail in most respects,' seems as a matter of fact to have been left to the Commissioners, so far as 'further or other order' was concerned [f].

I ought to have strengthened my argument for considering this document a typical instrument for 'taking of further order' by comparing it with another; one similar to it in object, operation, form, and nature. I mean the instrument of Feb. 9, 1604, ordering changes in the Prayer-Book, by King James I.

[c] The title, "The Queen's Letter about New Lessons in the Calendar," is that given to it by Cardwell, and appears here to be followed by your Lordship. But, apart from the imperfect statement of the contents which this title conveys, it seems to me to be misleading. "The Queen's Warrant for further order, in accordance with the Proviso of the Act of Uniformity," would, it seems to me, be far more accurate. The latter title gives it the authoritative character it deserves, the former dismisses it as a paper which belongs to her Majesty's ordinary correspondence, and of no legal value whatever.

[d] Lord Selborne's "Notes," p. 29, note *.

[e] In my 'Letter' (p. 11), where I first refer to the document, I say, "there can be no question that this document *represents* 'a taking other, or further order' within the meaning of the Act." Afterwards, for the sake of brevity, I referred to it as the Queen's 'Order.'

[f] I believe that the alterations in the Lessons must have been all agreed upon before Cecil obtained the Queen's signature to the warrant. Only six Lessons were changed, viz. the second for Ascension-day, the first for Whitsunday, and the first and second for the Monday and Tuesday in Whitsun-week. One Lesson only was added, viz. for Whitsun Monday. Strype's account [L. of Parker, i. 168] would lead one to suppose that much more was added. As to the Tables of Commandments, the words of the warrant seem to have been repeated *verbatim* in the Archbishop's Letter to the Bishop of London, &c. One can scarcely see what *detail* had been left.

In the earlier instrument, one object (amongst others) was to make alterations in, and additions to, the Lessons in the Prayer-Book. In the later instrument, the chief object was to make alterations in, and additions to, the Catechism, in the Prayer-Book[g]. The operation of each was the same, viz., the carrying out the intent of the clause of the Act of Uniformity. As to form, we find that both instruments are alike addressed to the Archbishop of Canterbury, and to the Commissioners appointed under the Great Seal. Both quote in their preamble the wording (in substance) of the clause of the Act in question, and both profess, on the face of the instruments themselves, to be, in their nature and essence, a carrying out of the proviso of that Act.

In both cases, too, the Archbishop was to act upon the Instrument, and cause the Corrections to be printed, and although the first document does not appear to have been enrolled, while the second was, the practical identity of the final words appear to me to render such variations of small moment. In the earlier document they are as follows:—

"And these our letters shall be your *sufficient warrant* in this behalf. Given under our Signet at y^e^ Palace of Westminster, the xxii day of January, the third year of our reign [=1561]."

The second ends thus:—

"And these our letters Patent, or the Inrollment thereof, shall be your *sufficient warrant* for all and every the premises contaigned in them. Witness ourselfe at Westminster the ninth day of February [=1604]. Per ipsum regem."

This resemblance seems to me to prove, that Queen Elizabeth "took further order" within the meaning of the Act, in the instrument of Jan. 1561, as fully as King James I. "took further order" in that of 1604. And in these two cases *only* was 'other or further order' taken by the Sovereign.

So far, then, as to the technical error, in calling the instrument of 1561 an 'Order.'

[g] As well as an alteration in the 'Private Baptism of Infants,' in respect of certain abuses which had crept in. The other changes made under this 'order' were of slight importance.

§ 4. *Was the Queen's Letter of* 1565 *a "Commission," and the Advertisements an "Order" under that Commission?*

But when your Lordship, in writing to me, notes that—

"It [the Commission of Jan. 22, 1561] corresponds, not with the Advertisements, *but* with the letter, *or Commission*, of the 25th January, 1565;"

I perceive that your Lordship, amongst others, holds the opinion, that in proving, as was attempted in my 'Letter,' that the Advertisements themselves did not fulfil the requirements of the Act so far as they wanted the Queen's direct authority, I raised a *false issue.* It follows then that in order to make good my case, it ought to be shewn that the Letter of 1565, under which it is contended that the Advertisements were issued, fails to fulfil such requirements. This it is proposed to attempt.

But in justice to myself, the following statement in the Privy Council Judgement may be fairly pleaded:—

"Their Lordships are clearly of opinion, that the Advertisements of Elizabeth, issued in 1566, were '*a taking of order*' within the Act of Parliament *by the Queen*, with the advice of the metropolitan [h]."

This led me to suppose, that your Lordship, as well as the other Judges, would hold that the Advertisements, in any argument from analogy, should be compared with some document issued *by the Queen*, and not by 'Commissioners executing a Commission.'

In order to weigh justly the circumstances connected with the origin of the Queen's letter of 1565, the history of which it is now my purpose to consider, it may, perhaps, be well to call to mind those attending the issue of another document.

Some two years before, that is, in April, 1563, we find that Archbishop Parker consulted Secretary Cecil respecting the putting forth a letter to the Bishops. The occasion was the passing of the Act for requiring an oath to be taken from the Clergy as to the Queen's Supremacy. This Act had not been passed without some opposition, both in the Commons and in the Lords, and Archbishop Parker felt that it would be very

[h] The Ridsdale Judgement. Official copy, p. 8.

difficult for the Bishops to enforce it. He proposed, therefore, to Cecil that he should write a letter, a draft of which he sent him for his approbation, and in which, from the copy extant, we find that Cecil himself has made several corrections and additions.

In writing to Cecil, the Archbishop says[i]:—

Syr upon in consideration of yester nights talke, callyng to my remembrance the qualyties of all my bretherne, . . . I see some of them to be *pleni rimarum*. . . . I have thought to use this kynd of wryting to my bretherne alredy departed home, *not to recite the Q[ueen's] Mai[es]ties name . . . I had rather beare the burthen myself*. . . . Whereupon though I shal thus wright, as having no warrant in wryting forme, to staye ful execution of the imperial lawes, as yt maye be so fare forced, yet yf the jeoparding of my private estimation may do good, that the purpose yt self be performed that the Q[ueen] wold have done, it shal suffice, I thinke. If ye shall thinke allow *this devyse* good, I praye yor honor to retorne it me agayn, with yor corrections, as ye shall think mete."

In the letter[k] which was enclosed, and as it appears after the corrections were made in it by Cecil, we read:—

"To my loving brother ye N. . . .

Aftyr my right hartie comendations to your Lordship this is upon good and deliberate considerations to requyre youe . . . to have a very grave, prudent, and godly respect in executing the act of the establishment of the Quenys authoryty over hir ecclesiasticall subiects, late passed in this parlament; and that yf upon very apparent cause your L[ordships] shal be, as yt wer, compelled, for the wilfulnes of som of that sort, to tender the othe first *mentioned in ye same act*, the peremptory refusall wherof shal endanger them in præmunire, that Immediately upon such refusal of any parson ye do addresse your letters to me, . . ." &c.

And at the end Cecil has himself added to the original draft,—

"*And I also praye you to assure and persuade your self, that this manner of my sudden wryting at this time and in this manner is grounded uppon great and necessary consideration for ye weale and creditt of us that ar governors in the chirch, under the Q[ueen's] Ma[jes]ty, and yet for dyvers respects mete to be kept secrett to your selves, as I dout not but your wisdomes will easely see and iudg.*"

[i] I have only found the first draft, which has several additions and alterations mostly made, evidently, during the composition. This draft is preserved amongst the Petyt MSS. in the Temple, No. 47, fol. 326 b. It is printed, Parker Corresp., No. cxxvii. The date must have been after April 14, 1563.

[k] This letter is also preserved amongst the Petyt MSS., No. 47, fol. 324; printed, Parker Corresp., cxxviii. The Italic represents Cecil's addition in his own handwriting.

Here we have the issue raised, how far the discipline would be best maintained, by 'reciting the Queen's name,' or by referring the matter to the Archbishop. The Correspondence speaks for itself. Archbishop Parker "had rather bear the burden himself." And it must be borne in mind that the letter is written by 'the Metropolitan,' and the first of those named in the list of 'the Commissioners, for causes Ecclesiastical, under the Great Seal.' It is true, the secrecy and the *apparent* interference with the plain operation of an Act of Parliament needs, perhaps, more justification than is expressed; but, be that as it may, the letters illustrate, I think, the difficulties which existed in obtaining conformity. They illustrate, also, the manner in which Abp. Parker and Secretary Cecil, who were of one mind on the question, dealt with these difficulties[1].

Two years after, i.e. in 1565, the danger to the Church was not so much threatened from the Papists, as from the Puritans. A large number of earnest men, who had been in exile during Queen Mary's reign at Geneva, Zurich, and elsewhere on the Continent, seem to have brought back with them doctrines and practices foreign to those which had been taught and adopted by our first English Reformers. There were considerable diversities, also, among themselves, besides the general opposition to the discipline of the Prayer-Book. In this case Cecil, seeing that the Archbishop and Bishops were powerless to check the evil which was growing, came to the conclusion that it would be best that the Queen's name should be brought to bear to enforce conformity to the Prayer-Book and Injunctions.

[1] I must not overload my argument with illustrations, or I might adduce another example of a 'device,' where Cecil and Archbishop Parker treat the Queen's 'order,' *given under her signet*, respecting residences of Canons' wives, &c. Cecil writes (Aug. 12, 1561), "I have *devised* to send it in this sort to your gra^ce^ for your Province; and to the Archbishop of York for his; and to the Chancellors of the two Universities for their charge; so as it shall *not be promulged* to be popular."—See the letter printed in the Parker Correspondence (from the Petyt MSS.), p. 148.

Cecil therefore drew up a letter, which should purport to be written from the Queen to the Archbishop, and sent it to him with the following note. So that instead of the Archbishop (as on the former occasion) seeking Cecil's, Cecil seeks the Archbishop's counsel [m] :—

"It may please your grace, I do send herewith, a forme of a lettre which at ye begynning to wryte ye same, I thought should have bene meet for to have procured from the Q[ueen's] Maiesty to your grace. but after yat I had causid it to be *new wrytten*, I mislyked the same chieffly for length.

"but yet before I wold alter any thyng, I thought mete to remitt it to your grace's consideration, praying ye same *to alter* or *abridg* any part therof.

"ye next dout I have, is whether ye Q[ueen's] Maiesty *will not be provoked to some offence* that ther is such cause of reformation. and whyther *she will not have more added* then I shall allow."

"Uppon your grace's correction herof I will follow your advise.

"Your Grac[e's] at com[mand,]

"xv Janv. 1564. "W. CECILL.

"To mi Lord of Canterburies good grace."

And the enclosed letter which Cecil was afraid to shew to the Queen, lest she should make greater alteration in it than he would allow, is the Document which your Lordship contends is the authority, or rather the Commission, of the Queen to 'take other order' under the Act.

We possess two copies of the letter in question: one is the draft, or rather the rough copy; the other, the fair copy.

The rough copy has been preserved in the collection of the Burleigh Papers, among the Lansdowne MSS. [n]

It is written on an ordinary quarto sheet of paper, and Secretary Cecil has corrected it, having in his tall wiry handwriting, very easily distinguishable, added several words, and in some cases erased others, to make way for them, as will be seen by the copy which I have printed further on.

The second copy of this document which exists appears to be the final copy. It is preserved in the same collection as

[m] This is also preserved with the Archbishop's Papers amongst the Petyt MSS. in the Temple, No. 47, fol. 65; printed, also, Parker Corresp., No. clxix.

[n] Lansd. MSS., vol. cxv. art. 57.

the first, namely, amongst the Lansdowne MSS.[o] It is, like the first, without any authoritative character, either by the presence of the Royal Signature, or by professing to be under any seal or signet. It appears, indeed, as an ordinary letter, of which many are found in the same collection; it is partly of remonstrance, partly of personal request, to her Archbishop, to see uniformity in his Province better observed. Strype, in printing it, gives to it a quasi-official character, by inserting a heading; and in copying the extract from Strype, in my previous Letter, I omitted to point out that this heading was really an endorsement or rather docket of the second or fair copy, and chiefly in a much later handwriting.

I have examined, as far as has been possible, all calendars and lists of documents relating to this period, whether of the State Papers or other series in the Record Office, and I have there also searched amongst the Privy Seals and Signets themselves; I have also searched carefully the Catalogues of the Burleigh Papers, and other collections in the British Museum, Archbishop Parker's papers at Cambridge, his Register at Lambeth, and other quarters which appeared likely to contain an official, or signed, or sealed copy of the letter; and this without success. I believe the Lansdowne copies to be the only copies in existence. There can, however, be no doubt but that we have in these two documents (*a*) the rough draft of the letter referred to by Cecil; we have also (*b*) a final copy of that to which he refers as '*new written*[p].'

[o] Lansd. MSS., vol. viii. art. 6.

[p] I certainly do not consider that the existing "fair copy" is the identical copy sent to the Archbishop in Cecil's letter, for these two reasons: (*a*) Cecil wrote Jan. 15, enclosing the "new written" copy, but the clerk's fair copy which we have is docketed Jan. 26; (*b*) This fair copy is not *exactly* new-written from the first copy, as corrected by Cecil: there are still further alterations from the original beyond those made by Cecil, representing some corrections which Archbishop Parker *might* have made in the "new-written" copy sent to him. [Cf. copy now printed, with that which I have printed, p. 28.] There was, I hold, an intermediate copy, which was probably destroyed when the clerk made the final copy which we have. Neither copy has a date. The latter only has a date on the docket.

In my 'Letter' to your Lordship, I printed the final copy of this letter as Strype had given it[q].

Not, therefore, to repeat what has been already printed, the *first* draft is here given instead, which is in the handwriting (and rather hastily written, so presumably from dictation,) of one of Cecil's scribes; at least, I judge so, from seeming to detect the same hand frequently in the papers preserved amongst the Burleigh Collection, several volumes of which I have examined. But whatever doubt there may be as to who wrote the main text, there can be no doubt, as already said, as to the hand of Secretary Cecil himself in all the corrections.

These corrections, in order to make them plain, are printed in Italic type; when there was room on the paper, they were added within or at the end of the line; when otherwise, they were written in above the line; this has been shewn, and the original spelling is followed also (and, I believe, the capitals and punctuation, as fairly accurate).

Most reverend father in God, &c. we grete you well. Lyke as no one thing in the government of our people committed to us by the mere grace of Almighty God doth moer good, and beautifye the same to the pleasing of *almighty* ∧ God, by whom all kings do reigne to our *y*ᵉ comefort and ease *of us* ∧ in our government & *finally* ∧ to the universall weale and repose of our people, than unity, quietness and concord, as well amongst yᵉ publick ministers as the multitude of the inferior people: So contrary wise diversity, variety contention and love of singularity ether in the ministers or *in them* there cures *over whom they have chardg* ∧ must nede provoke the displeasure of God, and bee to us, holding place of rule under the protection of his mercy, discomfortable and troblesome, and finally bring danger of ruyne to our people.

WHERFORE although our earnest care and inward desire, hath alwayes ben to provide that by lawes & ordinance agreable to truthe & justice, and consonant to good order, this our realme should be directed and governed both in the ecclesiasticall and civill pollicy, by public ministers & officers, following one rule & one manner of order in all their actions & directing our people to obey humbly & lyve godly according to there severall

[q] Though, before sending the proof to press, I compared it with the original, and found it so far accurate, that unless I altered the spelling, capitals, stops, &c., throughout, there was no reason to alter anything.

vocations, in unity & concord w^th^out diversities of opinions or maners, or w^th^out any contentions about the same. Yet we to our no small grief do heare that where of the two maner of gouernments wherew^th^ all maner [of]
under our cha
people are ruled, that, whereas the ecclesiasticall should be (if any comparison be admitted) the more perfect in uniformity, and should give example, and be as it were a light or guide to ye officers in civill pollycy,
notwithstanding the same
the same in sundry places of our realme of late, for lack of regard given thereto in due[r]

tyme by such superior officers, as you, being the metropolitan, and other the bushops of the realme, with sufferance of sundry varieties not only in opinions
ther is crept and
but in externall ceremonies and rytes hath ∧ brought into the church by some few persons abounding moer in their owne senses than is meet & deliting in singularity, growen to an open & manifest disorder & offence to the godly
by diversite of opinions and specially in ye externall rites and ceremonyes to be used
in ye chirchees so as
persons ∧ and except the same shuld be spedely staied & reformed, the same
from place to place as it wer
disorder were like to growe ∧ by infection of more nomber to be great annoy-
trooble
ance ∧ and deformity to the rest of the wholl body, and therby empaire &
and disturb *charite* *to be*
deface ∧ christian ∧ unity & concord wch we do so much desire ∧ amongst o^r^ people, and in wch we know very well that o^r^ Lord God, being the God of peace and not of dissension will continue his blessing ouer us and his people. And although we have now of good tyme hard sundry reports herof
mistrustyng that the adversaryes of treu relligion ar disposed to increase the
repart of ye same
(wherof we wold be sory that all were true, ∧ so yet we hoped well that by the
being hertofor also changed
regard wch you, being the metropolitan would have had herto ∧ wth the as-
having receaved of us hertofor chardg for ye same purposes ; these
sistance of the bushoppes yor brethren in their severall dioceses the ∧ same
some schisme or
errors tending to brede by diversity & ∧ deformity in the church should
stayed
have been ∧ reformed and purged ; But perceaving *very lately and* certenly by report of late that the same doth rather *begyn to* increase then to staye.
for defence of ye publick peace and concord of his chirch
We consydering the authority given to us of Almighty God ∧ and how we
suffer
are answerable for the same to the seate of his high justice, mean not to have
thus *and increas*
these evills suffered to procede ∧ in our realme, but do certenly determin to have all such varieties &[s]

[r] End of recto of first leaf.

[s] End of verso of first leaf.

and varieties
diversities ∧ amongst the ministers and people, as breede *nothyng but* conten-
and breach of charity *also*
tions & offence, ∧ and are amongst against the lawes, good usage and ordinance
uniformity
of our realme, to be reformed & brought all to one manner of unity,
and dominions
through the o^r wholl realme, ∧ that our people may therby quietly honor Almighty God in truth, verity, concord, unity, peace, & quietnes; *and therein have good report abrode.*

doo by these presents
And therfor we will ∧ requier and *straightly* charg you, according to
power and *which* *as ye lyke we will order for ye province of York*
the ∧ authority that you have ouer this province of Canterbury, ∧ to con-
all other
ferr with the bushopps yor brethren & our head ministers, having jurisdic-
our *in any*
tion ecclesiasticall of the same as well in both the Universities, and ∧ other
cathedrall, exempt, or what so ev^r the same be *from thence*
place collegiat ∧ or exempt ether by calling to you ∧ whom you shall think mete, or by message, proces, or lettres as you shall see most convenient, and cause to be understand truly what varietyes & diversities there
said
are amongst the ministres of the churches wth in every of these ∧ jurisdic-
or
tions, ether in doctrine or in the ceremonies & rites of the church and in the maners, usage & behavors of the ministers. And therupon as the
severall
∧ cases shall appeare & shall requier reformation, so to procede therto by order injunction or censure according to the order of such lawes and ordonances as are provided by Act of Parliament or otherwise for the same. *so as uniformyty be kept in evȳ place as shall to you seme convenient.*

and straightly enjoine
And for the tyme to come so provide & order ∧ in all *and every* place of
in o^r name and by our authoritie *or allowed* *room*
yor province ∧ that none be admitted ∧ to any office ∧ or cure in the church
or other place ecclesiasticall
or in any college ∧ but such as shalbe found disposed and well given, and
also orderly *use and* *office, room or place*
shall ∧ promise to ∧ exercise the same ∧ to the honor of God, the edification of our [t]

under ther chardg *also* *and mayntcine*
people, ∧ in truth, concord, and unity, and ∧ to observe & kepe ∧ such
rytes and ceremonyes of ye chirch
order & uniformity in all the externall pollicy, ∧ as by lawes, good usage
alredy
and orders are ∧ well provided *and established.* And if any of the superior officers shalbe found hereto disagreable, if otherwise yor authority shall not

[t] End of recto of second leaf.

serve to reform them, we will that you shall inform us *therof* to the end we may give undelayed order for the same; for we intend to have no dissensions growe by suffering of persons, that maintain the same to remain in authority, for so the ~~superiour~~ *soverayn* authority which we have under God *almighty* should be violated & made frustrate, wch we meane not to suffer by the grace of God.

and yet in the execution herof we require you to use all good discretion, that herof no trouble grow in ye chirch neither that such as of frowardnes and obstynacy forbeare to acknowledg our supreme authorite over all sort of our subjects, be herby encoraged anywise to thynk that we mean to have any change of ye pollicy or of ye lawes alredy made and established, but that the same shall remayn in ther own force and strength.

A copy of this was no doubt made by Cecil's clerk, and was the *new written* copy forwarded to Archbishop Parker for his approval.

That Archbishop Parker did approve of the letter generally, may be taken for granted; but the question whether he made any corrections or additions to the same, cannot be with certainty answered; no letter appears to be in existence, so far as I can discover[u], in which he states how far he approved of it.

Nor, what is more important, does the 'new written' copy exist with the Archbishop's Corrections upon it. In all probability such would have been destroyed when the 'fair copy,' which is one of the two copies we possess, was made by the clerk.

It is clear, however, between the one copy and the other corrections were made, as a comparison will shew; and it is more than probable that some of them were Archbishop Parker's, while others might be Cecil's own. There is one which I think deserves notice. In the 'new written' copy the words were :—

"To confer with the busshopps your brethren and all other head ministers having jurisdiction episcopall of the same, as well in both our Universities as

[u] I had found amongst the Petyt MSS. in the Inner Temple, vol. xlvii. fol. 325, an undated draft of a letter from Abp. Parker to Cecil, beginning, "I retorne to yor honor agayn yor letres," which I thought might refer to the draft (see *ante*, p. 125). But though it suggests the omission of the word 'colleges,' which was omitted, I believe it belongs to a later date.

in any other places, collegiat, Cathedrall, exempt, or whatsoever the same may be."

In the fair copy we find :—

"To confer with the bisshopes your Brethren, namely, such *as be in commission for causes ecclesiasticall,* and also all other head officers and persons having jurisdiction ecclesiasticall, as well in both our Universities as in any other places collegiat, cathedrall, or whatsoever the same may be, exempt or not exempt."

This expression 'as be in commission for causes ecclesiastical,' I believe to be Parker's own addition. I have met with it elsewhere as applied to the Bishops, and it has reference, I expect, to the 16th clause of the Act of Uniformity, which clause, after charging all Archbishops, Bishops, and other ordinaries to see to the due execution of the same, provides :—

"And for *their authority* in this behalf, be it further enacted, by the authority aforesaid, that all and singular the said Archbishops, Bishops, and all other officers exercising ecclesiastical jurisdiction, as well in places exempt as not exempt, within their diocese, *shall have full power* and authority by this act to reform, correct, and punish by censures of the Church, all and singular persons which shall offend," &c.

Whether or not such would justify Archbishop Parker to speak of the Bishops as in 'Commission,' as regards the Act of Uniformity, may be questioned. If it is not so, all I can say is, I find no Commission connected with the enforcement of the Act of Uniformity in which the *Bishops* are charged to carry out the provisions.

The final copy, then, of Cecil's Letter, including this correction as well as others, some perhaps from Archbishop Parker's pen, some perhaps from Cecil's, is, I firmly believe, the one now preserved amongst Lord Burleigh's Papers.

If it is contended that still another copy was made, and exists elsewhere, with sign manual and date and seal attached, my answer is, that the one referred to is the only fair copy known to be in existence; and that after every possible search no trace can be found. It cannot be said to bear the exact appearance of some of the official copies prepared for the signet, as are

found elsewhere, but is not dissimilar to several documents, as to paper and general character, which have had the sign manual, date and seal afterwards attached.

All that can be said is that it was possibly prepared to receive the sign manual which (from whatever cause) was never affixed to it; and the final resting-place amongst Cecil's private papers seems to shew that it never passed from Cecil's hands.

With regard to the question, how far Elizabeth approved of this letter—to which Cecil was so anxious lest she should "want more added than he would allow,"—whether, indeed, she ever saw the letter, we have no very definite evidence. Of course, it may be inferred *à priori*, that Cecil would carry out his intention, and shew the fair copy, which (as I have said) appears to have been prepared for the purpose, to her Majesty, and obtain the sign manual previously to sending an official copy of the letter to Archbishop Parker. As I have said also, the sign manual was *not* affixed, and, therefore, no official copy was sent. This fully explains why no copy appears in Archbishop Parker's Register, which, had the transaction been in form, would have been the case. Remembering the close relationship between Cecil and Archbishop Parker in the matter of the letter of April, 1563, to which I have before referred; remembering also the remarks in the letter in which Cecil enclosed the draft of the document, I think we may fairly take it as probable, that even though Archbishop Parker, in his Letter to the Bishop of London, says, "whereas the Queen's Majestie *addressed* unto me her Letters," he had seen only the 'new-written' copy of the letter sent to him in the first instance by Cecil[z], and no other; and, further, from the fact that the final copy is without the Royal signature, it would follow that Cecil, from some cause or other, omitted, or failed to obtain, the Queen's approval at all.

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[z] There is much discrepancy in reference to the date when this letter was supposed to have been sent. The Archbishop could scarcely have had an *official* copy, or the date would have been fixed. See note [b], next page.

Now let me compare the Queen's Warrant of 1561 with this document, in the same way as I compared it, or rather contrasted it, with the "Advertisements." (p. 14.)

And first, as to the form of the two instruments :—

The Instrument of 1561 has Elizabeth's sign manual[a] at the head of the copy of the document, and (2) refers fully to the Act in the preamble. (3) The instrument (which is filed in the State Paper Office) purports to be given under the signet. (4) It is "Given at Westminster, the 22 of January, the third year of her Majesty's reign."

The letter of 1565 has no such sign manual; (2) it has no such official character in its appearance, and nowhere refers to the Act. (3) Filed amongst numerous ordinary letters and papers, it does not profess to be given under the Signet at all. Finally, (4) it is not 'dated' at all[b]!

Knowing its history,—namely, that it was written, not only without her Majesty's approval, but in dread of her disapproval, —these omissions of the chief characteristics which would give to it authority, are of the utmost importance. They are more than can be regarded as accidental omissions; they are, unless I am much mistaken, fatal to its authority as a 'Warrant' or 'Commission.' When we are told, too, that this is no less than a warrant for taking 'other order,' which shall virtually repeal a cardinal clause in an Act of Parliament, and that Act one on which the Church of England may be said to have then been dependent for its legal status, more than on any other, surely such omissions are of the highest importance.

I have already remarked in my 'Letter,' (p. 30,) on the total

[a] This signature is presumably in the Queen's *own* hand, though possibly, as a matter of fact, in that of the official scribe, who acted as the amanuensis for this special purpose.

[b] So much so, that there is this discrepancy. Archbishop Parker, when he printed his "Advertisements" fourteen months afterwards, i.e. in March, 1565, adopted, in his reference to them on his title-page the date of the docket, viz. 'xxv^e Januar. 1564.' He did not remember that in his letter to the Bishop of London, which he had written in Jan. 1565, he had thus referred to them :— "Wher[as] the Quene's maiestie the xxviij daye of this present monethe addressed unto me her Letteres."

absence of any expression in the Letter of 1565 directly or indirectly connected with 'other' or 'further order being taken,' and forming a marked contrast to that of 1561.

And the substance of each of the two documents is directly and absolutely consistent with the preamble of each respectively. In the earlier document, the explanation and justification of change is followed by an order for change:—". . . We, therefore, . . . require you . . . to cause *new* Kalendars to be printed." In the latter, the reason for uniformity is followed by, "Wherefore . . . we have certainly determined to have all such diversities, varieties, and *novelties* reformed and repressed. . ." In the one, the context leads up to changes in the Prayer-Book; in the other, to enforcing obedience to its *existing* rules, thereby discouraging any such changes.

And in case the letter should in any way be supposed to warrant *hopes* of change, it will be observed that Cecil *has in his own hand added* the final clause, that none should 'hereby be encouraged to think that we mean to have any change of the *policy* or of the laws *already made and established.*' How can this be a Commission to Commissioners, under which they were even at liberty to take 'other order' in the Queen's name.

Another somewhat important contrast between the two documents, lies in the citation of the persons to whom the letters are addressed. The importance of this may not appear great at first sight, but when the words of the Act are remembered, it will be seen that they are of some consequence to the issue. The Proviso of the Act specifies that the other order is to be taken.

"By the authority of the Queen's Majesty, with the advice of her Commissioners, appointed and authorized *under the Great Seal of England*, for causes ecclesiastical, or of the metropolitan of the realm."

The alternative, i.e., that of the Metropolitan *alone*, it is presumed, would not be—and was not intended to be—resorted to, unless under special and extraordinary circumstances. It is, therefore, the first or main provision which calls for attention.

In the document of 1561, the accuracy in the agreement with the words of the Act is especially to be noted in the words,—

"Have thought good to require you, our *said* Commissioners, so authorized by our Great Seal . . ."

In the supposed Commission of 1565 we look in vain for any reference to Commissioners *under the Great Seal.*

In its stead, we find the letter addressed to the Archbishop only, instead of to the "Archbishop, and the rest of our Commissioners for causes ecclesiastical." And where the document speaks of the Archbishop conferring with others, it is *not* with her Majesty's Commissioners *under the Great Seal* that he is to confer, but only with *the Bishops*, his brethren, who were in commission; and at the same time with all other head officers in Universities, Cathedrals, &c.; in fact, a new body altogether, and quite different from the body of high Commissioners especially named for carrying out the Act of Uniformity, and to which there can be doubt the Act of Uniformity prospectively refers [c].

The authors of the Ridsdale Judgement thus speak of the issue of the Advertisements.

"It is not disputed that these Advertisements were issued with the advice of the Metropolitan, and, indeed, *also* with the advice of *the* Commissioners for Causes Ecclesiastical [d]."

Possibly the statement could not be altogether disputed as it stands, although exception might be taken to the use of the word '*the*' instead of 'some.' If the words, "according to the Act," had been inserted, or 'under the Great Seal,' added after 'Commissioners,' instead of being only implied, then I think it would be certainly disputed; for supposing that some of those with whom the Archbishop was to confer, might be Commissioners under the Great Seal (although, as a matter of fact, the

[c] The Parliament in which the Act of Uniformity was passed lasted from January to May, 1559; and the Queen's Warrant for the Commission issued under the Great Seal, July 19, 1559, refers in the preamble to two Acts, viz. to the Act for Uniformity, and that for restoring to the Crown the ancient jurisdiction. This is evidently the Commission also to which the Queen's Warrant of 1561 refers. The four persons to whom it is addressed are the Archbishop of Canterbury, Bishop of London, William Bill, and Walter Haddon, members of the Commission of 1559.

[d] The Ridsdale Judgement. Official copy, p. 9.

only name I can find in the list is the Bishop of London [e]), certainly a great many were not. Further, it is quite certain that the greater part (indeed, nearly all) of those who were Commissioners under the Great Seal would not be included in the list at all of those with whom the Archbishop was to confer.

I do not pretend to argue the legal aspect of the matter, or how far the variation is sufficient to invalidate anything done under the authority of this document. But I contend that, as a matter of *history* and *fact*, the supposition that Queen Elizabeth in that letter was intending to, or actually did, 'take other order,' involves the supposition that she proceeded regardless of a provision specially insisted on in the Act, and which in the previous instance of 1561, she had most accurately observed.

Of course, had there been any surrounding circumstances,—e.g. such as an objection raised by the Commissioners under the Great Seal to the 'taking further order,' and that, therefore, advantage was taken of the alternative which the Act allowed, by dispensing with them;—or if, again, there were any saving clause in the document for such informality,—then, perhaps, the case would not stand. But in the absence of such the most natural conclusion is, that neither the Queen when she sanctioned this letter (if she ever did so), nor Cecil when he penned it, had any thought whatever of the Proviso of the Act of Uniformity, or any intention of 'taking other order' under it. And if the argument be pressed, that because she might, therefore she did, take advantage of the alternative, why, may I ask, was it thought in the "Judgement" advisable to insert the words "*also* with the advice of the Commissioners"?

And still to one more point I must call attention in the substance of the Queen's letter, and that is, the especial reference made in it to the 'Province of Canterbury.'

[e] The Commission granted July 19, 1559, will be found printed in Cardwell's Documentary Annals, under the title of "The Queen's Warrant for the Court of High Commission in Causes Ecclesiastical." A draft and copy of same is filed, State Papers, Domestic Series, vol. v.; and I believe it is found duly enrolled upon the Patent Rolls.

I have noted in my previous Letter[f] that this limitation is exhibited *also* in the Advertisements; but it appears quite as strongly expressed in the document I am dealing with. The evils to be redressed are attributed to the lack of regard—

"By you, . . . being the Primate, and others the Bishops of your Province."

And, later on, when it refers to action being taken, we find,—

"You, being the Metropolitan, according to the power and authority which you have under us over this Province of Canterbury (*as the like wee will order for the Province of York*);"

And the case is rendered somewhat stronger, perhaps, by the fact, that the words, 'as the like we will order for the Province of York,' (which was never done,) are deliberately added by Cecil, as will be observed in the copy I have printed; while, in the earlier part of the letter, the expression,—

"You, being the Metropolitan, and other the Bishops of the Realm,"

it will be seen, is altered in the final draft to—

"You, being the Primate, and other the *Bishops of your Province*."

In both the first draft, as well as in the fair copy, the charge to admit only conformable ministers is distinctly limited to "all and every places *of your Province*."

These circumstances, taken as a whole, shew that there can be no question of accident, but a direct and deliberate purpose in limiting the action of the instrument of 1565, whatever that action might be, to the Province of Canterbury[g].

How is it possible to reconcile this supposed Commission for 'taking of other order' with the terms of an Act for Uniformity, which is to apply to every cathedral or parish church within this realm of England and Wales, if it is left open for one Province to be under one law, and another under another?

[f] "Letter to Lord Selborne," p. 22 and p. 42.

[g] I am aware that some of what I have here written appears at first sight to be a repetition of the remarks, pp. 22, 42, of my former 'Letter:' but it is not so. What I said there applied directly to the "Advertisements:" what I am now saying applies to the 'Letter' or 'Commission,' under which it is contended they were issued.

Although extracts have already been given, I think it well to print the *whole* of the letter sent by the Archbishop to Bishop Grindal, as it proves, on the best evidence we can have, how he understood Cecil's letter. It appears in his Register, whence I have copied it *verbatim et literatim* :—

[*Archbishop Parker to Bishop Grindal of London.* 30*th January*, 1564-5.]

"[I.] AFTER my hartie commendacions to your good Lordshippe Where the Quenes maiestie the xxviij*th daye of this present monethe* addressed unto me her Letteres verie serouslie and at great lengthe discorsed in her godlie zeale moche desyrouse to see unitie quietnes and concorde amonges the publike mynisters of her Realm and the people of the same and also declaringe one the contrarie parte that diversitie varietie and contention hathe byn vearie discomfortable and heavie unto her highnes whiche diversities beinge not redressed must bringe danger of ruyne to her people and Countrie the inconvenience whereof her highness forseinge at the beginninge of her Reign did therefore provide Lawes and ordinaunces to steye and knyte her people in unitie without diversities of opynions or novelties of Rites and manners breedinge but stryfe and contention

"[II.] And that nowe of late for lacke of regarde of us the Bisshoppes (notwithstandinge the earnest weighte of wordes charged uppon us by her hyghnes and the state of the Realme for due execution) sundrie varieties and novelties in opinions and in externall ceremonies and rites by a fewe persons delitinge in vaine singularities and chaunges be crepte in, by whome christen charitie the bande of good religion is impeired and defaced to the great displeasure of almyghtie God And furthermore where her highnes hathe ofte harde to her greate grfe sundrye reportes hereof in which consideration yet her maiestie of her gratious affection standethe in some mistruste that the adversaries of trewth myght of theyr evil dispositions encrease the said reportes Nevertheles her highnes of late percevinge certeinlie that the same mysorders beinge rather to encrease then to deminishe And further her highnes in consideration of her aucthoritie geven her of God for defence of concorde and trewth in this churche of Englande professinge that she cannot endure or suffer any longer theis evils to proceade and increase in her Realme hathe certaynlye determined to have all suche diversities and novelties against the lawes good usages and ordinaunces of the Realme to be expresseed And to have uniformitie thorowghoute the whole Realme to the honour of God to the unitie of her people and so to avoyd the slaunders that are sprede hereof in foreygne cuntries

"[III.] Whereuppon her maiestie hathe streyghtlie charged me accordinge to suche powre and aucthoritie as I have under her to have consideration of the same in suche form as by her said Letteres is expressed and to understand of every person having any jurisdiction ecclesiastical (as well in

bothe Universities as in other places exempte whatsoever) what varieties be used either in doctrine or in ceremonies and rites of the churche or in the manners usages and behaviours of the clergie themselves and to seke the reformation of the same

"[IV.] And further her commandement is that none hereafter be admytted to any office or rome ecclesiasticall but suche as shalbe disposid to followe common order and shall also before there admittaunce orderlie and formallie promise to use themselves in trewth concorde and unitie and to kepe suche order and uniformitie in all the externall Rites and ceremonies bothe for the Churche and theyr owne persons as by lawes good usages and orders alredie are provided

"[V.] Moreover her maiestie expresseth her pleasure to be none suche as maynteyne disordered dissention to remayne in aucthoritie where by her soveraygne aucthoritie myght be made frustrate and myght be thought to beare the sworde in vaine

"[VI.] Finallie her maiestie strayghtlie chargethe me to enform her highnes of all suche as be not reformable and to referre them to her further order Orells for lacke of my diligence herein her highnes shalbe compelled to provide further remedie *by some other sharpe proceadinges* as shall percase not be easye for them to beare In whiche case her highnes also saith that she shall impute to me the cause thereof

"[VII.] Thes things thus considered for the performinge my dewtie to allmyghtie God in declaration of myne allegiance and obedience to her princely aucthority and to avoyde her heavie indignation I do by theis my letteres desyere yor L. and in her name streytlie charge you to expende and execute the premisses And also to signifie the same wth charge to the rest of o^r bretheren *in my province* that they inviolablye see the Lawes and ordinances alreadie stablished to be w^thoute delaye and colore executed in theyr particuler Jurisdictions *wth proceadinge agaynst the offenders* by the censures of the churche etc. And suche as be incorrigible to send uppe hether the causes and demerites of those persons as they the said Bisshoppes to charge there inferiors havinge any Jurisdiction to do the same And also that youe and they severallie callinge the most apte grave men to conferre w^thin your and there Dioces to certifie me what varieties and discorde there be either in doctrine or in Ceremonies of the churche and behavio^r of the clergie themselves by what name soever they be called whiche certificate to be returned by the laste daye of Februarie next to come at the furdest And that you and they thereof fayle not as ye and they will answere to the contrarie at your and their perill From my House at Lambehith the xxx daye of Januarie 1564

"Your lovinge brother

"MATTHEU CANTUR[h]"

[h] Archbishop Parker's Register at Lambeth, vol. i. p. 253 a.

So far as the Letter of 1565 was a *Commission*, the Archbishop executed it then and there; and this letter to Bishop Grindal was the 'order' under it. I cannot conceive by what interpretation the meaning can be tortured into warranting the Archbishop and others to make *changes* in the rites of the Church as by Act of Parliament established, since the Archbishop explains to Bishop Grindal:—

(I.) That the Queen has addressed a letter to him, declaring her desire for Uniformity, and disapproval of *novelties.*

(II.) That, through disregard of episcopal authority, several novelties have crept in; and that she will *not endure* them.

(III.) That, so far as he has authority, he has to enquire of all persons having ecclesiastical jurisdiction, what *these* are, and to reform the same.

(IV.) That she commands that none hereafter shall be admitted to ecclesiastical office without promising to conform to the *laws, good usages, and orders already provided.*

(V.) That her Majesty expresseth her pleasure, that none such as maintain *dissension* shall remain in authority.

(VI.) Finally, that he is to report to her Majesty such as be *not conformable*, or else sharp proceedings will be used.

(VII.) 'Wherefore,' he concludes:—

'I desire your Lordship, in her name, to (*a*) signify this to the rest of our brethren, that they see *the laws or ordinances already established* executed; (*b*) *proceeding* against the offenders *by the censures* of the Church, (*c*) and such as be incorrigible to send up hither; and also (*d*), you and the other bishops certify what varieties and disorders there be by the end of February.'

If your Lordship is right in calling the Queen's Letter of 1565 a 'Commission,' and saying that it corresponds with 'a Commission issued to Commissioners,' under which they were enabled to 'take other order,' then Archbishop Parker appears to me to be unmistakeably wrong in his understanding of what Cecil could have intended by that same Letter. Is it not strange that the Archbishop seems never to have notified to Grindal

one single word of any 'rule for the future' in the Royal Letters; that months passed by, during which he was earnestly seeking, as we have seen by *his* Letters, to obtain the Queen's authority for issuing the very Advertisements on which your Lordship relies, as representing 'that rule for the future;' and that during this period he never even hints that he has either received the Queen's 'Commission,' or the Queen's 'Command' to issue them? Is it possible, I say, that such a curious misapprehension by Archbishop Parker could have existed?

In my 'Letter' (p. 31), I have already pointed out how this document of 1565—whether issued with the Queen's sanction, or not—failed to justify your Lordship's description of it as declaring her "determination to establish such a rule for the future," and the statement that "the Advertisements were issued under it."

I challenged (p. 33) more directly the terms in which the Ridsdale Judges described it, viz.:—

"The Queen had in the *most formal* manner by *Her Royal Letters*, commanded the Metropolitan and other prelates to prepare these Advertisements, directing them 'so to proceed[1] by order, injunction, or censure, according to the order and appointment of such laws and ordinances as were provided by Parliament, and the true meaning thereof, so as uniformity of order might be kept in every Church, and without variety and contention.

"There was no particular *form* required by Statute or by law, in which the Queen was to 'take order,' and it was competent for her Majesty to do so by means of a Royal Letter addressed to the Metropolitan. The Advertisements were issued by the Prelates as *Orders prepared under the Queen's Authority*."—[*Judgement*, p. 9.]

And now, when your Lordship says that it is a Commission corresponding with the distinct Warrant of 1561 for 'other order,' I again say that such a statement, in the face of facts I have adduced, requires explanation.

[1] In the original, the words 'so to proceed [thereto] by order,' &c., follow on immediately after, "And as the *several cases* shall appear and require reformation." [See the Letter printed *ante*, p. 129.] By suppressing these words, and substituting for them, "*prepare the Advertisements*," the Judges, *no doubt unintentionally*, have misrepresented the passage. The Advertisements are never so much as mentioned, and the Archbishop evidently explains the words in his letter to Grindal [see pp. 138, 139], as 'proceeding *against the offenders* by the censure of the Church, &c.'

I confess that, as to the former statements, I looked for some explanation, if not from your Lordship, at least from some of those writers who have warmly approved of the arguments adduced in the Ridsdale Judgement; and I still venture to hope, that, on the question how the comparison now instituted bears out the contention that the Advertisements of 1566 are the 'Order of Commissioners,' executing a 'Commission' of 1565, I and others may have the benefit of some explanation from one or the other quarter.

And what was the 'order' which the Commission is supposed to have taken? The Articles (i.e. the Advertisements), he tells Cecil, when writing March 3, were *agreed upon* of old (i.e. 1561), and were 'devysed by the Bishops of London, Wynchester, Ely, Lincoln, and himself:' can this be reasonably reconciled with 'an order' under 'a Commission' of 1565? It is true he adds, that of late, i.e. within a few days of his writing, the Articles had been 'considered,' but not a word is mentioned of his doing so '*under commission.*' Again, when in March, 1565, he first sends the old articles with the additions 'fasted on,' and then four days after sends the book fairly written, he describes it as being signed,—not by 'the Commissioners,' but 'bi the byshop's conferers[k].' But then these are the *same* as the 'devysers' of 1561, with only one other addition.

A consideration of the Archbishop's letters[1] during 1565 and 1566, as a whole (of the genuineness and dates of which there cannot be one moment's doubt), coupled with what Cecil did, puts the matter beyond all question as to what both the Archbishop and the Secretary understood the Queen's Letter to mean; and surely, since the one wrote it, and the other was consulted, and to some extent revised it, it may fairly be said (without disrespect), that together they were better judges of the meaning than are either the Ridsdale Judges or your Lordship.

[k] See my 'Letter,' pp. 35, 36, where sufficient extracts from the Archbishop's Letters are printed, and need not therefore here be repeated.

[1] See my 'Letter,' pp. 34—36, and pp. 43—50.

The sum and substance is, that Archbishop Parker, first of all, asks that Cecil "will present his boke *on opportunitye.*" This, to begin with, is strange, if the Queen's Letter were a Commission, and that "the Advertisements were issued under it[m]." But that Cecil should decline to present them,—that he should write across them, "Ordinances accorded by the Archbishop of Canterbury, &c. in his Province," and add, "these were *not* authorized or published," seems to me so strange a way of dealing with "an order under a Commission" that it is impossible to believe the document could have been so. And from another point of view, since Cecil's act was, according to your Lordship, not a dismissal of an Archbishop's appeal, but of an order under a Royal Commission, it appears to me to have been a distinct and direct contempt of her Majesty's commands. Surely it is hard to arrive at a conclusion which involves attributing conduct to a Queen's Secretary so disrespectful, and, indeed, so illegal, as to throw on one side the enactments which, according to the Ridsdale Judgement, "the Queen had, in the most formal manner, by her royal Letters commanded the Commissioners to prepare."

If the Letter, too, was a Commission to Commissioners, and the Advertisements the result, can it be explained on any reasonable hypothesis that the Commissioners, whoever they were, could have consented quietly to Cecil putting their labours aside in his bureau for a whole year, without one word of open remonstrance or question? and these labours, so your Lordship contends, resulting in the promulgation of 'other order' on one of the burning questions of the day. The collection of the Burleigh Papers is very rich in correspondence of leading men of the time; and some reference to such an unusual and highly improper procedure must have been recorded.

When a year passes by, i.e. on March 12, 1566 (as I have shewn by the letters[n]), Archbishop Parker sends again the said Advertisements, with the simple remark that as "thei could

[m] Lord Selborne's Notes, p. 13. [n] See my 'Letter,' p. 44.

not be alowed then," he humbly prays, "that yf not all, yet so many as be thought good may be returned with *some* authorytie." How can these be the 'orders' issued by the Commissioners under the Queen's command in February, 1565?

Every action on the part of Cecil, every line in Archbishop Parker's letters with regard to the Advertisements, negatives the hypothesis that they were anything more than the Archbishop claimed for them, or that the Secretary named them, in his endorsement, "Ordinances accorded by the Archbishop in his province."

Finally, when Archbishop Parker sends the Advertisements to Grindal, how is it possible to conceive that he had any idea that *they* were an order under a Commission? He says, that the queen addressed her Letters (which he had duly forwarded) a year past, enforcing upon the Bishops the charge to obtain conformity by putting the law in operation; some have, in consequence, conformed; but he fears some have not,—for "lack of particular description of the orders to be followed, which were agreed upon *amongst us long ago*." *Therefore* he asks him to transmit these "our convenient orders," namely, the Advertisements, to the several Bishops. Not one word is here of Commission, not one word which implies that the book of Advertisements was the result of that Commission: but instead, a very clear statement of what the Letter was, and how it was then carried out, and what the Advertisements were which he now sends him [o].

Still more clear, if possible, is his description of the Advertisements when he writes to the Dean of Bockinge, viz., "a book of certain orders agreed upon by me and other of my brethren of my Province of Canterbury, and hitherto not published [p].

How little did Archbishop Parker understand the Queen's Letter of 1565 to be what your Lordship claims for it; how little did he suspect that the Advertisements were an 'Order' issued under a 'Royal Commission'!

[o] See the passage quoted in my 'Letter,' p. 48.

[p] See the passage quoted in my 'Letter,' p. 50.

§ 5. *The Title of the Advertisements the source of Error.*

What, then, can be the excuse for speaking of the Queen's Letter as 'commanding' the Advertisements? The answer is,—one passage, and one alone, namely, the title which Archbishop Parker put to them. It misled some, as can be shewn, at the time they were issued, into supposing the Advertisements were of royal authority, on account of one expression therein made use of. The words are:—

"ADVERTISEMENTS (*a*) partly for due order in the public administration of Common Prayer and using the holy Sacraments; and (*b*) partly for the apparel of all persons ecclesiastical, by virtue of the Queen's Letter commanding THE SAME. Jan. 25."

The Queen, as it will be seen in the Letter referred to, is supposed to command the Archbishop

"to observe, keep, and maintain such order and uniformity in all the external rites and ceremonies, both (*a*) for the Church, and (*b*) for their own persons, as by laws, good usages, and orders are already allowed, well provided, and established."

And these Commands for due order (*a*) in the Church Service and (*b*) in the dress of the Clergy are, indeed, the chief points of the letter, and fully justify Archbishop Parker in describing the Letter as commanding *the same.* But '*the same*' does not mean '*the Advertisements:*' it cannot do so [q].

A study of your Lordship's MS. Notes kindly sent to me, a re-consideration of the evidence adduced in the Ridsdale Judgement, as well as of the passage in your Lordship's printed Notes, lead me to believe that this error, for error undoubtedly it is, has not been escaped by the authors of that Judgement, or by your Lordship. More than that, I have come to the conclusion, that it is an important element in the

[q] In a note in my 'Letter' (p. 40), I spoke of the error appearing in some writings of construing the words, 'the same,' as applying to the Advertisements. In "The Edwardian Vestments," by H. R. Droop, M. A. 1876, (between the arguments of which, and those adopted by the Ridsdale Judgement I am much struck by the resemblance,) the writer thus glosses the title; "while the Advertisements rather purport to be made by the Metropolitan and other Commissioners, *in obedience to the* Queen's Letter." —("Edwardian Vestments," p. 13.)

foundation, if not the foundation itself, on which the argument for the Queen's authority given to the Advertisements rests. The words of the Ridsdale Judgement, "The Queen had in the most formal manner *commanded* the Prelate, &c., to prepare these Advertisements," is nothing else, I am convinced, than an interpretation of the words, "commanding *the same.*"

Your Lordship's theory of the Queen's "Commission," I venture to think, also has its origin chiefly in the interpretation of these words of the title, which interpretation, as I have shewn, is opposed to every detail of the history of the letter itself.

I am not called upon to justify, or even explain, the expression, "Advertisements by virtue of:" it is perhaps vague. The Archbishop may well have intended to convey the idea that it was in order to carry out her Majesty's known desire for, and her commands to him to enforce, uniformity, that he, in March, 1565, issued these Advertisements; and thus to imply, that those who disobeyed them would, practically, disobey the Queen. He could, however, only consider that his Advertisements were means to attain certain ends. The Queen desired the latter, he provided the former; and it was because of their end and purpose that he expected obedience to them. He chose a reference to her Majesty's Letter of fourteen months previously, because that was the Letter which had been written by Cecil to enable him, it was hoped, to succeed better in the matter of uniformity than had previously been the case. The reference to this letter was evidently an afterthought, as the copy originally sent to Cecil in March, 1565, had no such reference. The happy thought, in March, 1566, that the Queen's name, thus flourished in his title,—though Cecil had evidently declined to obtain the Queen's actual authority for the Advertisements,—would tend further to serve his purpose, may well be described as a "device," and receive some illustration from the previous "device" of 1563 [r].

[r] "If ye shall allow this device I pray your honour to return it to me again." See *ante*, p. 123.

§ 6. '*Varieties in the Services*,' *February*, 1565.

There is a document which represents the substance of the returns which were obtained from the issue of the enquiries in accordance with the Letter of 1565. It affects but little the argument on which I have insisted as to the purport of that Letter; but I have seen the evidence to be derived from that document so miserably perverted, that I feel constrained to give the whole as accurately as possible, and to say a few words about it.

It is filed amongst the Burleigh Papers, so that there can be little doubt that Cecil had it prepared for him, or that it was sent to him. It is bound up in the *same* volume as the fair copy of the Queen's Letter of 1565 (and by chance next to it), with which, from internal evidence, there is every reason to connect it.

It is docketed by the same hand, I believe, as the Queen's Letter itself, and this is the docket:—

> Feb. 14, 1564, Varietees in the Services
> of ye churche [*added in darker ink*] of precisians.

The date, Feb. 14, 1564=65, is, no doubt, contemporary; and if we suppose the pages to be a summary based upon several returns[8], made in consequence of the Archbishop's request in accordance with the Letter of January, the date well agrees.

[8] The actual returns from the Bishops on which it is based, so far as I can discover, have not been preserved. Those from the University of Cambridge and from the Cathedral of Canterbury were filed, and so kept amongst Parker's Papers at C.C.C.C., and the latter is printed by Strype (Life of Parker, vol. i. p. 365). I have not compared it with the original; but as some of the points in it are worthy of notice, I print the following concerning the Communion as I find it:—

"The Common Prayer *daily* through the year, though there be no Communion, is *sung* at the Communion-table standing *north* and *south*, where the high altar did stand. The Minister, when there is no Communion, useth a *surplice only*, standing on the *east side* of the table with his face toward the people [!].

"The Holy Communion is ministered ordinarily the first Sunday of every month through the year. At what time the table is set *east* and *west*. The Priest which ministereth, the Pystoler and Gospeler, at that time wear *copes*. And none are suffered then to tarry within that chancel but the communicants.

"For the ministering of the Communion we use bread appointed by the Queen's highness Injunctions" [i.e. wafer-bread].

It runs as follows, but the writing betokens haste, and is in places somewhat obscure :—

"*Varietees in ye service, and ye Administracion used*[t].

Service & pray^rs. Some say ye service and pray^rs in ye chauncell, others in ye body of ye church. some say ye same in a seate made in ye church ; some in ye Pulpitt, wth y^r faces to ye people.

Some kepe precysly ye order of ye booke oth^rs intermeddle Psal : in meter.

Some say wth a surpless, others w^thout a surplesse.

Table. The Table standeth in ye body of ye church in some places, in others hit standeth in ye chauncell.

In some places the Table standeth Alterlyke distant from ye walle a yarde, in some others in ye middest of ye chauncell north and south.

In some places the Table ys joyned, in others hit standeth uppon Trestells.

In some ye Table hath a carpett, in others hit hath none.

Administration of ye Co[mmun]ion. Some wth surpless and Copes, some with surpless alone. others with none.

Some wth chalice, some wth a Co[mmun]ion Cuppe, others wth a Como[n] Cuppe.

Some wth unlevened Bread, some wth leavened.

Receaving. Some receave kneling, others standing others sytting.

Baptising. Some baptise in a fount, some in a Bason.

Some signed wth ye signe of ye Crosse, others not signed.

Some minister in a surpless, others without.

Apparell. Some with a square Cappe, some with a round Capp. Some wth a Button Cappe, some wth a Hatte.

Some in Schol^rs Clooke, some in others."

This document has been cited to shew that Copes were unknown. The following are the words of a writer whose work, I believe, has exercised considerable influence in certain quarters, upon the view taken of Copes being illegal :—

"We find also that a table of the varieties in the service and administration used, dated in Feb. 1564-5, and published by Strype from Cecil's papers (Strype's Parker, Bk. II. cap. 19, vol. i. p. 302), while *repeatedly* referring to the fact that 'some say in a surplice and others without a surplice,' *omits all mention* of copes[u]."

[t] From the Lansdowne MSS., vol. viii. art. 7.

[u] "The Edwardian Vestments. An Investigation into the History and Construction of the Ornaments Rubric. By Henry Richmond Droop, M.A. Revised, with Supplementary Notes," p. 10. (London : 1876).

The perversion of the evidence will at once be seen. Apart from the fact that Copes are distinctly named, it must be remembered that they are so in the *only* passage where they would be named, that is, under 'Administration of the Communion.' I confess, therefore, to being more astonished at Mr. Droop's introduction of the word 'repeatedly,' than at the ridiculous blunder of supposing that the passage could mean that the clergy were accustomed to wear their '*caps*' during the 'Administration of the Communion.' It is no answer as regards the latter to say that Strype has printed 'Caps' and not 'Copes[v];' it is merely carelessness in the copying on his part, and such (considering the frequent reference to 'Cap' and Surplice in the controversy, as the two representatives of the apparel to be worn out of doors, and the vestments to be worn during divine service) may be readily excused; but after a deliberate consideration of the circumstances, and the exaggeration of the mention of the irregular use of the Surplice at Prayers and Baptism, to base an argument upon such slip of the pen, admits of no excuse at all.

This 'Table of Varieties,' however, shews the chief diversities which had either been introduced on the restoration of the Prayer-Book, or had grown up during the early years of Elizabeth's reign, i.e. from 1559, to February, 1565. And by comparing it with the Advertisements, we are able to see how far those 'Varieties' were by them reformed. The comparison is reasonable. We know that the list was the result of Archbishop Parker's enquiries, under the 'Letter' of 1565. Your Lordship contends that the Advertisements were a later result of the same 'Letter.'

[v] It is possible that Strype read the word *Capes*, as 'Cope' is sometimes written Cape (naturally from the Latin *Cappa*), and since the pen, where the *o* joins the up-stroke of the *p*, has left behind a slight mark, it makes the *o* look like *a*; still this, of course, does not affect the question that the reading is distinctly 'Copes,' and not '*Caps*.'

§ 7. *How far the* 'ADVERTISEMENTS' *enforced Uniformity is shewn by the* 'VARIETIES' *reformed.*

Whatever view be taken of the historical status of the 'Advertisements,' whether they were the result of the Bishops' Conference[x] in 1561-2, or the device of Archbishop Parker in Feb. 1565, for obtaining the Queen's direct sanction to some definite details in discipline[y]; or whether, as your Lordship imagines them to be, they were an 'order' issued in 1556 under the Letter of Jan. 1565[z],—it will, I presume, be admitted that their chief object was to exhibit what was the 'due order[a]' required by the Prayer-Book, &c., and what was the apparel ordered by the Injunctions.

The so-called 'Queen's letter, or Commission' of 1565, provided, it will be observed, that the nature and number of varieties and diversities in the Services, &c., should be first ascertained before any definite plan of procedure was adopted. If the Advertisements, then, represent the action taken by the Archbishop and his 'fellow Bishops, the Conferers,' under this Letter, we should naturally expect to find that they relate to the suppression especially of those diversities which the returns shew to exist. The following, it will have been seen, is a summary of the 'Varieties' especially calling for reformation. As to

§ 1. Place for saying the Prayers.
§ 2. Introduction of metrical Psalms.
§ 3. Use of the Surplice (*a*) in saying the Prayers.
Also (*b*) at the Holy Communion, (*c*) in Baptizing.
§ 4. Place and position of the Holy Table.
§ 5. Character and covering of the Holy Table.
§ 6. Use of Copes at the Holy Communion (besides Surplices).
§ 7. The Chalice or Common Cup.
§ 8. Unleavened or leavened Bread.
§ 9. Reception, kneeling or sitting.
§ 10. Font or Basin for Baptism.
§ 11. Sign of the Cross in Baptism.
§ 12. Apparel—[i.e. ordinary dress of the Clergy out of doors].

[x] "Orders taken *by consent* until a Synode may be had." See my 'Letter,' pp. 35 and 97.

[y] See my 'Letter,' pp. 35, 36.

[z] Lord Selborne's Notes, p. 13.

[a] See the title. 'Letter,' p. 13.

The first point however to be remarked is, that among the thirty-eight Advertisements, only very few can be said to refer to these varieties; and the second is, that where they do so, they do not insist upon a *very strict* uniformity. If we take e.g. the first, viz. as to the place of saying prayers, the Advertisement No. 8 enjoins—

"That the Common Prayer be sayde or songe decentlye and distinctlye in suche place as the Ordinarye shall thinke mete for the largnesse and streightnesse of the Churche and quyer, so that the people may be most edified."

This leaves the rule very open as to the place of the minister; and the Archbishop evidently considered that the rubrick, of which the Advertisement is, so to speak, the interpretation, is sufficiently obeyed, provided that the Ordinary approves of the place of the minister, and 'so that the people be most edified.'

§ 2. The liberty as to the introduction of metrical Psalms otherwise than 'precisely ordered in the book,' seems not to be interfered with.

§§ 4, 5. So as regards the *place* of the Holy Table[b]. Liberty seems by implication to be left upon this head, as the chief Advertisement on the subject (No. 14) simply enjoins that it should be decently covered wherever it stood.

"That they shall decentlie cover with carpet, silke, or other decente coveringe, and with a fayre lynnen clothe (at the tyme of the ministracion) the communyon table, and to sett the Tenne Commandementes upon the easte wall over the said Table."

This order is partly repetition of the injunction of Elizabeth of 1559, 'For Tables in Churches,' in which it is enjoined that the Holy Table be . . . . commonly covered as thereto belongeth; and partly the insertion of the 'Further Order of the Queen as to Ornaments of 1561,' to which I have had more than once occasion to refer. By implication, too, the expression, east wall 'over the Table,' fixes its position.

A previous Advertisement, however, enjoins that *the parish* should provide the Communion Table, which was, perhaps, before

[b] See the custom in Canterbury Cathedral, referred to in Postscript, p. 147, note s.

an open question and cause of dispute; and secondly, it adds significantly, "*standing on a Frame*," which seems to meet the irreverent use of boards "on trestells."

§ 3. The one 'Variety' named in these diversities, on the reform of which the Advertisements of 1566 absolutely insist, is with respect to the "Surplice," which *must* be used—(*a*) at Service and Prayers; (*b*) at administration of Holy Communion; (*c*) at Baptizing. The returns do not refer to the diversities in this respect, at Burials, Marriage services, &c., but no doubt they existed, as at the other services, and were not thought necessary to be mentioned separately.

The Advertisement [No. 13] recites,—

"That every minister sayinge any publique prayers, or ministringe of the Sacramentes or other rites of the Churche, shall wear a comely surplice with sleeves, to bee provided at the charges of the Parish."

§ 6. We then come to the important matter of all, namely, "*The Administration of the Holy Communion.*" Here we find three diversities as to the vesture in existence; some adopting the vestments implied by the Rubric, viz., that the Cope and Surplice (as representatives[c] of the Vestments enjoined by the First Book of Edward VI.) shall 'be in use;' others adopting the Surplice *alone;* others still, without any Surplice *at all.*

To meet this nothing is said, except that (No. 11) in cathedrals, the Cope *must* be used by the Celebrant, and the Epistoler and Gospeller to be habited *agreeably.* The Advertisement (No. 11) runs thus:—

"Item. In Ministration of the Holy Communion in the Cathedrall and Collegiate Churches, the principall Minister shall use a Cope, with Gospeller and Epistoller agreably; and at all other prayers to be sayde at the Communion Table to use no Copes but Surplisses."

The variation in Parish Churches is left wholly untouched, and therefore, so far as any argument applies to other cases, it

[c] I have before ('Letter,' pp. 96—100) explained, that in the Resolutions the Bishops agreed that the Cope and Surplice should be taken as the representatives of the Vestments ordered in the First Book; and these Resolutions were generally accepted and acted on by the clergy.

applies to this, in that liberty was allowed; the only thing was, that the Surplice was *obliged* to be used, according to the previous Advertisement, and those therefore who had neither Surplice *and* Cope, nor Surplice *alone*, were liable to be proceeded against.

Under this head, too, should be mentioned the vesture to be used in Preaching. No returns as to the 'Varieties' on this head appear, and the Advertisements seem to leave this *open* entirely as to the vesture to be worn *in Parish Churches;* but *in Cathedrals* and Collegiate Churches the Dean and Prebendaries are to wear their *hoods*. The Advertisement (No. 12) runs as follows:—

"Item. That the dean and Prebendaries weare a Surplice with a silke hoode in the quyer; and when they preache in the Cathedrall or Collegiate Church to weare their hoode."

On consideration of the several circumstances, and knowing how fond many of the ministers were of the Genevan gown, we may suppose that no definite rule was introduced in the Advertisements, on the ground of not desiring to lay down strict laws of uniformity except in what were considered essentials. To suppose that all wore the Genevan gown (a garment certainly unknown to either Prayer-Book or Injunction) would be unreasonable, and it would only be little less unreasonable to suppose that all wore the Surplice. All the Advertisements did was, to take care that the order of the Prayer-Book should be obeyed in the Cathedrals (or, to use Cosin's word, the *Exemplary* Churches), so that others might be incited to follow them. To assert that it was intended by the Advertisements to lay down an absolutely hard-and-fast line between the two that the Surplices should be worn in preaching in Cathedral Churches, and therefore *not* in Parish Churches—or that Prebendaries while they should wear their hoods in preaching in the Cathedral, should *not* wear their hoods when preaching in a Parish Church,—I say, my Lord, with all due respect to any who should do so, or have done so, that such assertion appears to me wanting in reason.

But above and beyond this, it is clear, from their general tenor, that where there is actual reason for the reformation of abuses, the Advertisements are moderate in their demands; they are more—they are liberal to the offenders, and would rather win by gentle means, and by example set in the chief churches, than by strict orders to be enforced by law in the Parish Churches. Even in the Cathedral pulpit, many, no doubt, would wear their University gown, and that is probably why the Surplice, as we see, is rather *implied* than *enjoined* in the wording of the Advertisement. On the one hand, to contend, from this gentler way of dealing with the matter, that it obviously admits the wearing of the hood, with *no gown* or surplice *at all*, would be unreasonable; on the other, to say, that because it does *not enjoin*, therefore it forbids both gown and surplice, or any other vesture *except* the hood to be worn in the pulpit, is reasoning which I will not venture to characterize.

§ 7. Nothing is said in the Advertisements about the Communion-cup [or chalice], and common cup.

§ 8. On the question of leavened and unleavened bread (although the Injunction is explicit) nothing is said. I imagine that in both these cases the varieties were not considered to be of sufficient importance to take notice of.

§§ 9, 10, 11. But as to standing and sitting at the Communion, and as to the novel introduction of the "bason[d]," and the omission of the signing of the cross, on these points the Advertisements (Nos. 15 and 16) speak distinctly:—

"Item. That all communicants do receave kneeling, and as is appointed by the *lawes of the realme*, and the Queene's Majesties *Injunctions*.

"Item. That the fonte be not removed, nor the curate do baptize in parish churches in any basons, nor in any other *form* [i.e. with the signing of the Cross] than is *already prescribed*."

And it is to be remarked, that as if afraid of the plea being advanced that he was in any degree laying down *other* laws than those already established, the Archbishop gives his autho-

[d] I presume this Puritan custom, which survived till a few years ago, (if it does not even survive still) was introduced for the purpose of derogating, as far as possible, from the dignity of the Sacrament.

rity, viz., that the novelties were condemned, one in the Injunctions of 1559, and the other in the Prayer-Book.

§ 12. On one point, and one point only, the Advertisements may be said to lay down anything like new law, and that is in respect to the last paragraph of the "Varieties." But on this a most material point is to be noted. Supposing that any *new law* is laid down by the archbishop and his fellow-bishops concerning outward apparel, i.e. the dress of the Clergy out of doors, it does not affect the least the Prayer-Book, or those "rites and ceremonies" on which the queen was empowered by the Act to 'take other order.' It comes under the head of Discipline of the Clergy; and the circumstance of this being the *only* question upon which new laws can be *at all* said to be promulgated by the Advertisements, is a further argument, if any were needed, why it is highly improbable that the Queen would have interfered to have 'taken other order' in this series of admonitions under an Act which does not place it within her power to do so[e].

To this subject of 'outward apparel' nine out of the thirty-eight Advertisements are devoted. And the reason, I think, of this it is not hard to find. The result of the arrival in the country of various sectaries, was that they went about preaching and creating confusion. Hence a definite and distinguishing dress for the regular ministers was much needed. Stress was also laid, it will be observed, upon a distinguishing mark for those who had taken degrees in the University. The ignorance of the clergy was then as great a source of trouble as their nonconformity: possibly the two were closely connected. Hence, too, the academical hood was looked upon as the evidence of learning, and was required to be used in the pulpit.

It is not, however, right to say that there was no law on the subject of Apparel. There was the xxxth "Injunction" of 1559, but it was so general in its character, that nine Advertisements appear to have been needed to explain the detail of one, viz. :—

[e] I observe the Ridsdale Judges meet this difficulty by pronouncing it for the present purpose *immaterial!* Judgement, p. 14.

"(No. 30) . . . that all that be called, admitted to preaching, or ministering of the Sacraments, or that be admitted into vocations ecclesiastical . . . shall use and wear *such* seemly *habits*, garments, and *such* square *caps* as were most common and orderly received in the latter year of the reign of King Edward VI."

What the Advertisements did, was to explain, and perhaps extend this law; and just so far, and no farther, might this be construed as a 'further order:' but then it was *not* (as it could not be) 'taken by the Queen.'

A survey, then, of the Advertisements by the light which the 'List of Varieties' sheds upon them, exhibits them as a series of orders, chiefly repeating *previous* orders, or so much of them as would appear absolutely needed to be revived or enforced. At the same time, they often serve as explanations of the law, and exhibit the principles, rather than the mere letter, of the law.

In the old Title of all, that is, when, in 1561, the Advertisements, or the greater part, were first written (and long before the Queen's letter, or the list of Varieties, were thought of), the same reasons are given for their issue.

"Resolutions and Orders taken by common consent of the Bishops for this present tyme untill a Synod maye be had; for observation and mayntenance of uniformitie in matters ecclesiasticall throughout all diocesses in both provinces."

And to a part of the series this sub-title was added:—

"Interpretacions and furder consideracions of certen Iniunctions."

The first of which, regarding preaching, begins:—

"*The interpretacion is* that if the parson *be able* he shall preache in his owne person every moneth[e]."

To read them as legal enactments, laying down the law, and the *whole* law, on the subjects on which they treat, and, apart from their history and their profession, both in their title and preamble, is not only unreasonable, but inevitably leads to the most direct inconsistencies and most unwarrantable conclusions.

[e] See also my 'Letter,' p. 18.

§ 8. *The 'Orders' of October* 10, 1561.

I now propose to adduce as evidence another document, namely, some 'Orders' issued 'by virtue of the Queen's Letters to her Commissioners for Causes Ecclesiastical' in 1561.

I do so for two reasons:—

The first, because it provides an answer to an objection raised by your Lordship to a suggestion which I made, that there were other 'Advertisements' than those of March, 1566.

The second, because a consideration of the nature of these 'Orders' throws, like the list of 'Varieties,' much light upon the nature of the 'Advertisements' in question.

The document, which is printed, runs as follows[f]:—

"ORDERS taken the x. day of October, in the thirde yere of the raigne of our Soveraigne Ladye, Elizabeth Quene of Englande, Fraunce, and Irelande, defender of the fayth, &c. By vertue of her Maiesties letters addressed to her hyghnesse Commissioners for Causes Ecclesiasticall as foloweth.

"Inprimis, for the avoyding of muche stryfe and contencion, that hath heretofore rysen among the Quenes Subiectes in divers partes of the Realm, for the usyng or transposynge of the Roode loftes, Fontes and Steppes, within the Queers and Chauncels in every parryshe Churche.

"It is thus decreed and ordeyned, that the Roode loftes, as yet, being at this daye aforesayde untransposed, shal be so altered, that the upper parte of the same, with the Soller be quite taken downe, *unto the upper partes of the vautes and beame* runnyng in length over the sayde vautes, by puttyng some convenient crest upon the said beame towardes the Churche, with leavyng the situation of the seates (as well in the Quere as in the Churche) as heretofore hath been used.

"Provided yet, that where anye Parryshe[g] of the[yre o]wne co[stes] an[d charges or with on] consent, wyll pull downe the whole frame, and reedifyng agayne the same in Joyners worke (as in divers Churches within the Citie of London doth appeare) that they may do as they thynke agreable, so it be to the heyght of the upper beame aforesayde.

"Provided also, that where in any Parrish Churche the sayde Roode loftes be alreadye transposed, so that there *remayne a comely particion* betwixte the Chauncell and the Churche, that no alteracion be otherwyse attempted in them, but be suffered in quiete. And where *no particion* is standyng, there to be one *appoynted.*"

[f] Copies, I believe, are very rare. This is taken from the one in the British Museum, 5155 aa.

[g] Verso of folio 1 begins here; the top line mutilated. I have supplied, I believe, the missing words.

Your Lordship will remember, that in my 'Letter' (p. 64) I called attention to the use of the word "*Advertisements*" by Archbishop Parker in his Visitation Articles of 1575. Here was distinctly, to my mind, a reference to a series of some sort capable of bearing that name, which I had not then seen, and containing evidently directions about a partition between the Chancel and Nave, on which subject the Advertisements of 1566 were absolutely silent. Of course, so far *as the law* was concerned, the line in the rubrick of the Prayer-Book, which was first introduced in the Revision of 1552, and *repeated* in that of 1559,

"And the Chancels shall remain as they have done in times past."

was sufficient to warrant a Bishop in enquiring, in his Visitation Articles, whether such partition was duly retained.

The Archbishop, at his Visitation of 1563, asked,—

"Whether the rood loft be pulled down, *according to the order prescribed.*
"And if the *partition* between the Chancell and the Church *be kept.*"

I ventured, therefore, to suggest an early date for the document; and the date of October 10, 1561, which I now find on the 'Orders,' leaves no doubt in my mind as to what he was then referring. The question again asked by the Archbishop at his Visitation of Winchester in 1575 was,—

"Whether the Rood *loftes* be pulled down, and *a partition made*, and *kept* betwixt the Chancil and the Church, *according to the Advertisements* [h]."

I felt that these words were too precise for a general reference to the Rubrick, and that they implied the existence of some *explanatory* or fuller and more exact order on the subject. I therefore ventured upon a conjecture, which I gather from the MS. Notes sent to me, your Lordship would in nowise accept. I have not your Lordship's permission to print these Notes [i];

[h] See also Articles to be enquired of within the Province of Canterbury, 1576. Cardwell, D.C., No. lxxxii., § 4, [vol. i. p. 398.]

[i] They cite several cases which corroborate my own statement (p. 71), that the authorities in this matter were generally very much confused, and supplement the example I gave in speaking of the letter of the Bishop of Winchester, who seemed to think that the 'Act of Parliament' enjoined 'square Caps and Surplices.'

suffice it to say, that I admit they adduce very strong arguments to shew that there was much looseness of expression in Visitation Articles and the like, and that, when Archbishop Parker referred to Advertisements, he might have meant 'the Prayer-Book.'

Indeed, so strong were your Lordship's arguments, that I will confess that, failing to find the trace of such an order, I was about to give up my conjecture and accept your Lordship's reasoning, when fortunately I came upon a copy of the missing document, which, as I have shewn, sets the matter at rest.

But above and beyond solving the difficulty of the Archbishop's reference in his Visitation Articles, these 'Orders' have an historical bearing on the general question at issue between your Lordship and myself.

First I would ask, "Do these 'Orders' represent a taking of 'other Order' by the Queen *in accordance with clause* § 25 *of the Act?*" If your Lordship should think proper to reply to this question, I expect that the answer would be, '*They do not!*'

And yet it may readily be shewn that in most respects the Advertisements have a far less claim to be so considered.

It will be observed, that the title avoids giving to the 'Orders' direct authority—that is, they are not said to be 'Orders' taken by the Queen; but Orders *taken by virtue* of her Majesty's letters addressed to her Commissioners: and it will at once be remembered that the expression, 'by virtue of her Majesty's letter,' is the selfsame expression used in the title of the Advertisements.

But it will be observed also that they are distinctly said to be 'by virtue of her Majesty's letters *to her higness's Commissioners for Causes Ecclesiasticall.* This is what your Lordship has contended for in the case of the Advertisements, but as I have shewn in the present 'Postscript,' with some very awkward facts rebutting the theory; but here we have the statement in black-and-white. As the date of the Commission is not specified, we may *suppose* that it is the Commission *under the Great Seal* for which the Queen gave her Letters Patent on July 19, 1559;

the same Commission, indeed, of which the Archbishop of Canterbury, the Bishop of London, William Bill (High Almoner), and Walter Haddan (one of the Masters of Requests), appear to have been prominent members; and to which Commission, as I have pointed out, the Queen distinctly addressed her warrant in January, 1561, for 'further order' under her signet, the preamble of which recites the very clauses of the Act of Uniformity providing for 'other and further order.'

There is nothing, indeed, in the present 'Orders' which distinctly militates against their being issued by the Commissioners referred to in the Act; while in the Advertisements, the signatures of the Bishops at the end, and the direct reference to these and other officials in the Queen's Letter of 1565 (under which your Lordship contends they were issued), render it, as I have shewn, impossible to connect the latter with the Commissioners known to have been appointed *under the Great Seal.*

It may, perhaps, be thought a minor matter, but as it is one distinctly raised by your Lordship in the printed "Notes[k]," it is to be observed that these Orders are—

"¶ Imprinted at London in Powles Church yarde by Richard Jugge, Printer to the Quenes Maiestie."

As printer to the Queen, he printed all the Acts of Parliament and other State Documents issued during the early part of her reign, of which I could cite a very large number of examples[l]; while Reginald Wolfe, the printer of the Advertisements, was printer *only* (as far as any documents of authority, and printed in English, were concerned) of those issued by the Archbishop of Canterbury[m].

It seems to me clear, that although these Orders have higher claims to 'authority' than can be shewn for the Advertisements, still there cannot be any reason for supposing they emanated directly from the Crown, or that in them Queen Elizabeth, in

[k] Lord Selborne's Notes, p. 18.

[l] See e. g. British Museum Catalogue, under England—Elizabeth.

[m] See my 'Letter,' *ante*, p. 95, and List of works printed by Reginald Wolfe, in 'Ames.'

the least degree, took that 'further or other Order,' which was permitted to her to take by the Proviso in the Act. I have come across no formal order of *any similar kind* taken under an Act of Parliament where the Act is not duly recited. But neither in the Queen's Letter nor in the Advertisements themselves, nor yet in these "Orders" (styled afterwards, 'Advertisements' by Archbishop Parker himself,) is any such recital. On the face of them all their purport and nature is clearly something different.

Whether these 'Orders' were the actual composition of Archbishop Parker or not, I have no evidence to shew, but they appear to me from the style to be, in all probability, from his pen. Nor can I say on what occasion they were issued, or, indeed, prove that they were issued during the carrying out of the provisions of the High Commission of July, 1559, or of some other Commission not before me[n]. But this may safely be avowed, that, like that Commission, they were part and parcel of the machinery employed in putting into execution the Act of Uniformity

I may, however, perhaps recall one or two circumstances which may illustrate the purport of these 'Orders;' and this will also suggest some still further comparison between them and the Advertisements, which appear to me practically to belong to the same class of official documents, and issued with the same object.

They are not 'new, or other orders—not even further' orders, but such as appear to be necessary for carrying out fairly and

[n] The High Commission of 1559 was issued in connection with the Act of Uniformity, to which the Warrant refers in the preamble; and it goes on: "Wherefore we earnestly minding to have the same Acts before mentioned duly put in execution, have authorized you to be our Commissioners . . . . to enquire for all offenses, misdoers, and misdemeanours done and committed." The authority for the issue of these 'Orders,' so far as the powers of the Commissioners went would lie in carrying out Clause IV., where the Commissioners are "to enquire, hear, and determine all and singular enormities, disturbances, and misbehaviours done and committed. . . . . *in any Church or Chapel* . . . . contrary to the Law or Statutes of the Realm."

conscientiously the intention and chief provisions of the Act of Uniformity, as represented by the Prayer-Book.

In the paragraph already quoted, it will be seen that *the law* that Chancels shall remain "as in times past" is simply and reasonably explained, and this without detriment to the carrying out of the Queen's Injunction of 1559, No. xxiii., which says :—

"That they shall take away, utterly extinct, and destroy all shrines, coverings of shrines, all tables, . . . pictures, paintings, and all other monuments of feigned miracles."

As many of the screens had paintings, and most had the figures on the Rood-loft, it is no wonder—with the revolutionary and destructive spirit abroad, which the Puritan party took every opportunity to excite—that, under the name of obeying the Injunctions, they had in places utterly disregarded the Rubrick,—

"and the chancels shall remain as they have done in times past."

I think we may notice here in these 'Orders' the same moderate spirit, of which I have already spoken as existing in the Advertisements, when dealing with the abuses and 'Varieties.'

And as I look through the other provisions of the same document, I am struck by the same temperate character which pervades the whole. Some of them are almost identical with the Injunctions, and some seem to have been followed by the Advertisements, but all point to existing law. The next provision to those already quoted runs as follows :—

"Also that the Steppes which be as yet at this day remaynyng in any Cathedrall, Collegiat, or Parryshe Church, *be not styrred* nor altered : but be suffered to continue with the Tombes of any noble or worshypful personage, where it so chaunceth to be, as well in Chauncell, Churche, or Chappell."

Here, again, we find a rebuke to the puritanical excesses of which I have spoken : and in the next a gentle mode of proceeding where there had already been excess of zeal.

"And yf in any Chauncel the Steppes be transposed, that they be not erected agayne, but that the place be decently paved, where the Communion table shall stande out of the tymes of receyvyng the Communion, having theron a *fayre lynnen cloth*, with some coverynge of Sylke, Buckram, or

other such lyke, for the cleane keping of *the sayde cloth* on the Communion borde, at the cost of the Parryshe [o]."

As ornaments, the steps cannot be said to be obligatory; certainly they cannot be said to be *forbidden*. The object probably was, not to put the Parish to the expense of restoring them where they had been wantonly destroyed.

Next they require the Ten Commandments to be placed over the Communion-table, evidently in accordance with the 'Further Order' taken in the previous February. But *printed copies* will *suffice*, i.e.—

"And further, that there be fixed upon the walle over the sayde Communion borde the [p] Tables of God's preceptes Imprinted for the sayde purpose. Provided yet, that in Cathedral Churches the Tables of the sayde precepts be more largely and costly paynted out, to the better shewe of the same."

The moderation is here apparent: not to put the village churches to needless expense, and yet to give every facility for carrying out the law, the Archbishop had sent them printed copies [q]. The Cathedrals, however, which had sufficient funds, were, of course, to make a *better* show of the same. If, my Lord, any one should argue, that by singling out Cathedrals for the more costly, the village churches were *forbidden* to have anything but the printed paper copies, what would be said of his argu-

[o] I do not think that this *constant* presence on the Communion Table of the 'fair lynnen cloth,' (which is here implied,) is enjoined in any Visitation Articles. And the Advertisements (No. 14) imply rather the contrary, viz., that at Communion time it will suffice.

It is to be observed that the silk covering, &c., is to be at the charges of the Parish.

[p] Folio 2 commences here.

[q] When Archbishop Parker promulgated the Queen's Order, or perhaps I should say, the Order under the Queen's Warrant of 1561, he addressed the Bishop of London in a Latin Letter, which is preserved in his Register at Lambeth [vol. i. fol. 228 a]. In it the following paragraph appears, "Nos vero . . . mandamus, quatenus receptis præsentibus, cum omni quâ poteritis celeritate et maturâ diligentiâ, ordinationes, correctiones, seu reformationes Kalendarii, simul cum *tabulis* Præceptorum Dei . . . . quorum *exemplaria in papiro impressa* vobis, præsentibus annexa, transmittimus," &c., &c.

Probably the printing of these "Tables of the Commandments," as a large number would be required, had something to do with the delay which occurred; for while the Queen's Warrant is dated Jan. 22, it was the 15th of February before the Archbishop transmits the 'Order,' with the printed papers, to the Bishop of London.

ment? But the reasons for the enjoining the use of Copes for Cathedrals, as in the Advertisements, and for the enjoining *better* copies of the Ten Commandments for Cathedrals, as in these "Orders," are analogous; and the argument to be drawn from the one Order will apply to the other[q].

We next have still a reference to the 'further order' of 1561, as regards the keeping clean of chancels:—

"Item that all Chauncels be cleane kept and repayred within as without, in the windowes and other where as appertayneth."

And next, a reference to nothing more than the rubrick:—

"Item that the Font be not removed from the accustomed place: And that in Parryshe Churches the Curates take not uppon them to confer Baptisme in Basens: but in the Font customablye used."

This introduction of the "Basins" instead of fonts, or rather to the destruction of the fonts, it is plain, had shewn itself as early as 1561, when these Orders were issued. I have already referred to the same subject under the 'Varieties' and the Advertisements[r].

The remainder of the Orders refer to other matters than ornaments of the Church; but these are sufficient to shew the similarity of their character with that of the Advertisements.

Moderate, yet distinct in their requirements; gentle, yet firm in their tone, they seem to make no profession of that authority which belongs to direct enactments. They and the Advertisements are evidently authoritative only so far as they carry out in principle the existing law; but devoid of any authority whatever, immediately they enforce anything contrary to that principle. They have no force *proprio vigore*, they are but subsidiary. If here and there, in explaining any of the Rubrics or Injunctions, things appear to be required above and beyond what the Rubric or Injunction directly enforces, the context leads to the interpretation that such requirements do not, in fact, constitute the promulgation of a new or additional law; still more so is this the case when they appear to require less; they evidently do not enact another or different law to that which already existed.

[q] See what I have said *ante*, p. 153, in respect of Preaching in the 'exemplary' Churches or Cathedrals.

[r] See *ante*, p. 154.

§ 9. *The terms 'Other' and 'Further.'*

A correspondent has lately written one or two letters, in which he seems to think I have confused 'other' with 'further' order. I do not understand the arguments he uses; but I wish to explain that I have, in the course of my remarks, sometimes used the one, sometimes the other expression, and sometimes both, as the context required; believing that both the one and the other are within the meaning of the Act, and are also to a certain extent interchangeable.

The separation of the 25th and 26th clauses of the Act of Uniformity of 1559, on which the matter depends, appears to me to be merely a printer's division, not warranted by the context[s].

The first relates to *other* order respecting *ornaments;* the second to *further* order respecting *Rites*, &c.; but both (being coupled by 'and also') are parts of one 'Provided always, &c.'

The preamble of the Warrant of Elizabeth of 1561 uses the single expression, '*further*' order, but proceeds, firstly, to require *other* order to be taken in the matter of Rites (i.e. all the lessons referred to, except one, were to be *changed*); and secondly, to require *further* order as to ornaments (i.e. the Table of Commandments were to be added to those already lawful in chancels). Consequently, it would appear by this practical application of the Act, the words *further* and *other* were, for all purposes of the Act, considered to be interchangeable.

If we turn to the other recital of this clause (for we have only two examples), we find in the Letters Patent of King James, that two clauses[t] are evidently considered as one, the preamble running, 'shall see cause to take *further* order in or concerning any *ornament*, *rite*, or ceremony.' Here the word is, I submit, used as inclusive of *other*.

[s] See my 'Letter,' p. 8.

[t] I see that your Lordship [Notes, p. 30] appears to say that the Letters Patent of 1604 recited only the 26th clause, and not the 25th, but from the introduction of the word *Ornament* it appears to me that both clauses were included.

§ 10. *Cosin's Letter in* 1661.

You will remember, my Lord, that in respect of the Revision of the Prayer-Book in 1661, and the important part which Cosin's book fulfilled in that Revision, I ventured (pp. 110—112) to controvert your Lordship's opinion, based upon Clarendon's statement, that 'the chief entries in Cosin's book were made during the interval between the close of the Savoy Conference (July 25) and the meeting of Convocation" (Nov. 21). My grounds were, that out of those seventeen weeks, it was only the last three that Cosin could have been in London to meet the other members of the Committee. I mentioned that certain letters proved this, but could not at the moment give an exact reference, or find a copy of the special letter I wanted[u]. I think it well to give it now.

"*October* 25, 1661.

"SIR,

"I am now at Doncaster, and intend to be this night at Newark, on Saturday and Sunday at Stamford, on Monday at Bugden, on Tuesday at Hatfield, and on Wednesday[x] (which is ye last of this month, and Holyma's Eve) at London, where you say M^rs^. Hatton's house will be ready for me.

"At my going away from thence in November last, there was a bed set up and lefte in ye dinyng roome, wch if it be there still I pray let it be taken downe, and ye room left free . . .[y].

"JO. DURESME.

"To Mr. William Sancroft, at his Lodgings in London."

It is clear that after the Savoy Conference he must have left London. Before the end of August, in writing to Sancroft, he describes the ceremony of the meeting at the river Tees, &c. and his solemn reception into his church. He dates a letter Sept. 6 at Auckland, in which he says,—

"Since my Lord of London and Ely will have it so, I shall make all the haste I can to be at London upon the beginning of *November*."

There is no doubt they wished him back, in order to set to work on the Prayer-Book revision. On Oct. 11 he again writes

[u] From the Harleian MS., No. 3783. I did not know that this letter had been printed in "Cosin's Correspondence" (SurteesSoc.), vol. ii. p. 37.

[x] Cosin is a day wrong in his reckoning; Oct. 30 was Wednesday.

[y] The rest is immaterial to the question of date.

concerning his lodgings; and then in a final letter fixes his return on the last day of October.

That Cosin's own book was being prepared in London by the other Bishops, while he was at Durham, is an hypothesis which, I presume, needs no refutation. It stands to reason that the Committee of Bishops waited for Cosin's return, and therefore their labours were contracted within the twenty days, and were not extended over the whole vacation. Nor can any of the hypotheses which depend on it be sustained[z].

Your Lordship sets against this view what is termed 'the positive statement' of Clarendon, which (as your Lordship adds) 'places the point beyond the region of conjecture.'

Let me, however, respectfully remind your Lordship of the care which should be exercised in accepting evidence so readily on the *ipse dixit* of one historian, even though he may be a contemporary. Perhaps there was no one in a better position than the Lord High Chancellor for the time being to know the circumstances of the history of an Act of Parliament, one especially of such importance as the Act of Uniformity. Lord Clarendon thus writes in his Life [p. 152], "In the House of Peers, where the Act *first began*, there were many things," &c. And again [p. 153], "When the Bill *had passed* the Lords' House, it was *sent* of course *to the* Commons." And yet, when we turn to the Journals of the House of Lords, and to the Journals of the House of Commons, we find at least a hundred entries to set against this statement. From the entry (on June 29), when the Bill was *first* brought into the House of Commons, we have a sequence of evidence which shews that Lord Clarendon's statement is absolutely wrong, and that the reverse was the case; though had we not the counter evidence, that statement also might be said, in your Lordship's words, to "place the point beyond the region of conjecture."

[z] Considerable 'capital' is made out of your Lordship's statement, by the author of "Church Perplexities," in pts. iv. and v. (The Rev. W. Milton, M.A.) See especially pp. 162, 206—212, and 247.

§ 11. *Can the 'Authority' for the Advertisements be made a separate Question from the 'Other Order' taken under them?*

I propose here to say a word upon your Lordship's letter to the "Guardian" newspaper of July last. I gather from it, that I am supposed, by introducing the question of 'other order' being taken in the Advertisements—the ground on which the Ridsdale Judgement is based—to have avoided and left unanswered the argument for the Authority of the Advertisements, which is the question mainly discussed by your Lordship.

Before quoting the letter named, I must make one or two preliminary remarks :—

It must be remembered, to begin with, that the Judges in the Ridsdale case dealt with two distinct propositions :—

No. I. That '*other* order' (such as was contemplated by the 25th Clause of the Act) was taken in the Advertisements.

No. II. That the *Queen* (also according to that Clause) authorized those Advertisements.

Both propositions had to be made good; either, by itself, was not sufficient. It might be, for instance, that the Queen commanded the Advertisements to be issued, and yet without any reference to the Act which provided for 'other order,' and without expressing in them any order beyond what was *already* the law. Or it might be, on the other hand, that expressions occurred in the Advertisements distinctly pointing to 'order' other than the existing law, and yet that they wanted the Queen's sanction to bring them within the Act.

These two propositions are clearly expressed in the following sentence in the Ridsdale Judgement :—

"Did then [1] Queen Elizabeth ever take [2] *other* order within the meaning of the 25th section [of the Act of Uniformity]? Their Lordships do not think it necessary to dwell upon the Injunctions. . . . But their Lordships are clearly of opinion that the Advertisements . . . of Elizabeth, issued in 1566, were [No. 1] a 'taking of order' within the Act of Parliament [No. 2] by the Queen, with the advice of the Metropolitan[a]."

[a] Ridsdale Judgement, official copy, p. 8.

Your Lordship also, it appears to me, distinguishes to some extent between these two propositions in the next sentence [b] :—

"[*a*] The *interpretation* and [*b*] legal effect of the Advertisements, and [*c*] the recognition which they received from the Official Acts of public authorities, belong to the province of law, into which it is *not proposed* to enter; but the controversy as to [*d*] *their authority* belongs to history."

Proposition No. I., viz., that 'other order' was taken in the instrument, falls evidently under the head of (*a*) Interpretation —and according to your Lordship's view, is a question of Law.

Proposition No. II., viz., that the Queen authorized the instrument, falls under the head of (*d*) Authority; and according to the same view, I presume, belongs to history.

How far either fall beneath (*b*) legal effect and (*c*) recognition, it is not necessary here to consider.

From the above paragraph, I understand that on the question of *other order*, your Lordship proposes in the 'Notes' to offer no observation; and that it is the question of the Queen's authority *only* which the 'Notes' are intended to discuss.

Yet when I come to examine your Lordship's treatment of the subject, I confess to being unable to discover a practical adherence to this theoretical line of demarcation.

The first historical extract adduced by your Lordship in the way of evidence is from Sparke, dated 1607, who says that the Queen, by virtue of the Statute [e] [i.e. of the 25th Clause], appointed in the Advertisements the Surplice for the Albe. This is surely '*other order.*' True it is, that it is but one-third part of that 'other order' which it is ruled by the Judges was taken; but then it was all that Sparke thought was taken.

The next authority quoted by your Lordship [d] (though the extract is for some reason omitted) is Hamon Lestrange, writing as late as 1659; and of him your Lordship states, that "he spoke of the Advertisements as an *exercise* by Queen Elizabeth *of the*

[b] Lord Selborne's Notes, p. 13.

[c] I omitted to note that Sparke erroneously says, "with consent of the Archbishop and *High* Commissioners." I have shewn, *ante*, p. 135, that four of the Bishops who signed were not on that Commission.

[d] Lord Selborne's Notes, p. 14.

power reserved to her by the 25th section of the Act of 1559," i.e. 'other order.' It is true that here also Lestrange's notion of what the other order was, is not at all what the judges have laid down. It is clear he had picked up the same story as Sparke, viz., that the Queen had taken 'other order' in the Advertisements; but though he searched to the best of his ability, he was unable to find anything in the Advertisements to account for his story, except "that the Queen ordered in Cathedrals the chief minister to wear a Cope, with Gospeller and Epistoller agreeable[e]." Still, his varied version of the story goes (so far as it goes at all) to set forth that 'other order' was taken, though he did not in the least know what it was.

The next and last authority given is that of Heylin (who died 1662), and the extract adduced is to the effect, that the Queen "made a *further signification of her* royal *pleasure* according to the *Statutes* made in that behalf,"—clearly 'other order.' I am, however, not concerned to discuss whether Heylin was misinformed, or whether the 'myth' of the 'other order' had not yet arrived at a stage of consistency; certainly his notion that the Advertisements were issued on purpose to put an end to the *habit* controversy, to which they chiefly gave rise, augurs very little for the value of his evidence as a witness.

As the merits of these historians on this question are already discussed more at length in my 'Letter' [p. 87], all that it is to my purpose now to point out is, that the extracts quoted by your Lordship testify (let their testimony of fifty and one hundred years after the event be worth what it may) as much to the fact that 'other order' was taken in the Advertisements, as that Queen Elizabeth herself took it.

Surely no one can read those portions of the "Notes on some passages in the Liturgy" which relate to the Ornaments' Rubric, without feeling that, whether intentionally or unintentionally on the part of the author, they are led up to the conviction that Queen Elizabeth authorized the Advertisements

[e] See the paragraph printed in my 'Letter,' p. 88.

in accordance with the 25th Clause of the Act, which was a proviso for 'other order'; not to the mere fact that the Queen authorized them, as she might a Writ of Privy Seal, or a Proclamation. In a word, the question of 'other order' underlies all the arguments for the Queen's authority. If the Advertisements made *no change*, then they were not issued under Clause 25, and had not the Queen's authority which is contended for. I scarcely see how the case admits of a separate consideration of the two branches of the subject.

First, the fact that 'the other order' was 'other order as to the use of the Cope,' is very clearly set forth by your Lordship in the introductory passage relating to the question of the Queen having taken order in the Advertisements. Your Lordship writes[f]:—

"Passing on to the next stage in the history, we find opinion as to clerical attire in the performances of Divine Offices fluctuating from 1559 to 1564 between the two extremes: the one favouring (*as Cecil had done*) the *general* use of *Cope as well as Surplice* in the celebration of the Holy Communion; the other objecting to the compulsory use of the Surplice on any occasion whatever.

"The former view is represented in one of the suggestions for future legislation, contained in the paper said to have been drawn up by Archbishop Parker and Bishop Cox, entitled, 'Interpretations' (i.e. of the Queen's Injunctions), and 'Further Considerations.' The other, in the proceedings of the party headed by Dean Nowell, in the Convocation of 1562."

I stop one moment to notice your Lordship's singling out Cecil as the representative of those who favoured Surplice *and Cope;* considering that he, as I have shewn[g], was the prime mover, as well as the author of the Queen's letter of 1565, and so provided the 'authority' relied on for abolishing the Cope; and this choice is rendered still more striking by your Lordship adducing as the next name, that of the Archbishop of Canterbury, who no doubt penned the very sentence supposed to imply the exclusion. It is only as it should be, that

[f] Lord Selborne's Notes, p. 12.

[g] Postscript, p. 125.

the remaining one selected by your Lordship from the representatives of those favouring the use of the Cope should be also one of the five Bishops who signed the Advertisements, viz. Bishop Cox of Ely.

While it will be readily admitted that they held these views, there is no evidence that these three changed their minds in 1556. And it should, I think, be explained how it came about that these three select representatives could have intended in what they did to abolish the Cope; or if, on the other hand, they did it unintentionally, how such a curious mistake came about. This is surely an historical question [h].

Next your Lordship proceeds [i]:—

"The Albe and Chasuble seem to have found no advocates: there is reason to suppose that the thirtieth Royal Injunction of 1559 was *practically* interpreted as excluding them, without much enquiry into the sufficiency of that authority for such a purpose; and in many places they (and Copes also) were defaced or destroyed, *under pretence* of executing the Queen's orders against 'monuments of superstition.'"

I have already pointed out [j] that it is improbable that the thirtieth injunction was understood to refer to vestments for Holy Communion; but that the reason why they found no advocates, was because the Bishops had agreed upon substituting '*Copes*' for 'Copes *or* Chasubles' in the 'Interpretations' before referred to by your Lordship. I admit that Copes as well as Albes and Chasubles were destroyed under the *name of* "monuments of superstition" before 1566, but I contend they were so afterward.

But to what do these remarks tend, if it is not to the position that while up to 1566 the law was one way, and after 1566 it was another? And although it is true that your Lordship contends that Albes and Chasubles were considered as excluded before 1562, when they found no advocates; while the Judges

[h] The real difficulty with which those have to contend who uphold the theory of 'other order' from that of the rubrick being taken as regards the vestments, is that the Advertisements came from the high Church party, and *not* from the Puritan party. While to suppose that the Queen herself would be favourable to the change would be absurd.

[i] Lord Selborne's Notes, p. 12.

[j] My 'Letter,' p. 73.

in the Ridsdale case take some pains to shew that they were excluded by the Advertisements of 1566, as one of the items of 'other order;' still the point seems to be reached by both, that whereas in all churches the *Cope* was lawful, and in use up to 1566, then the law was changed. I fail thus to differentiate between the matter on which the Ridsdale Judgement has decided, and that which your Lordship discusses: nor is there any such great difference in manner of treatment as would strike an ordinary reader. The Judges quote as many arguments for, and lay down as strongly as your Lordship, the authority of Queen Elizabeth, even to saying she *commanded* the Advertisements: the evidence is not quite the same, but much is from the same source. And as for '*other order*,' your Lordship's remarks upon the Queen's authority frequently refer to the fact of 'other order' having been taken 'according to the statute,' without which the Queen's authority would have had no effect, and the question no interest whatever.

Such passages as the following, for instance, point very definitely to the 'other order' of the *statute*, and they are so interwoven with the context, that their purport cannot be separated from it:—

EXTRACTS FROM LORD SELBORNE'S NOTES.

"In 1564 the Queen's determination to establish, by the use of all legal means, *such a rule for the future*," (p. 13.)

"Lestrange spoke of the Advertisements as an *exercise* by the Queen *of the power* reserved to her by the 25th section of the Act," (p. 14).

"Ascribing *all that was so done* to the will and commandment of the Queen," (p. 15).

"As an execution of the *Statutory power* of the Crown," (p. 26).

"[Cosin] referred to the Advertisements as *an exercise* of the Queen's *statutory power*," (p. 27).

"[Sparrow] referred to the Advertisements as still in force and necessary to be taken into account for a *correct understanding of the law* as to the ornaments of ministers," (p. 50).

"In his Articles of Inquiry, the *law* as to the use of the surplice *contained in the* Advertisements . . . . was assumed to be in force," (p. 52).

"The Ornaments' Rubrick did not then (and does not now) stand alone in its omission to notice *other laws* by which its effect might be *qualified*, and with which its terms, taken literally, might seem inconsistent" (p. 53).

From these and such-like considerations, it will be seen that when replying to your Lordship's Notes upon the 'authority' of the Advertisements, it was necessary to refer to the 'other order' taken in them, and that your Lordship's course of argument fully justified it.

Your Lordship's letter, however, to the *Guardian* of July 3, 1878, when speaking of the "Notes on some Passages in the Liturgy," and my 'Letter,' contains the following rebuff:—

"TO THE EDITOR OF THE 'GUARDIAN.'

". . . The intention of these 'Notes' is purely historical, and for reasons which will be generally understood, I thought it my duty to limit myself, in writing them, strictly to enquiries into *matter of fact*, and carefully to abstain from all legal or controversial arguments which have been the subject of judicial decision.

"Mr. Parker has entered into that field of argument from which I held myself to be excluded, as he was perfectly at liberty to do; but his arguments, whatever may be their value, *are no answers to any* which I have used, so far, at all events, as anything which has a bearing on the Ridsdale decision is concerned."

It has seemed to me, my Lord, not out of place in this Postscript to try and shew how it was impossible to controvert your Lordship's statements as to *matter of fact*, or to answer your Lordship's arguments, without going into the field which I did. I could not but consider, as I read your Lordship's 'Notes,' that they at times crossed into that field also; and I may add that others have shared my opinion.

Surely the genesis of the Advertisements, of Archbishop Parker's perseverance to get them authorized, and his ultimate failure, belong to that question.

Surely a comparison with another case, where it is known that the Queen gave her authority to an 'order' under the Act, is fair and proper ground in historical criticism to traverse.

And then when I came to the evidence in support of their Authority from contemporary writers who referred to the Advertisements, I touched lightly on the official documents, because your Lordship laid less stress on these than did the

Ridsdale Judges; I referred more fully to the unofficial evidence, because your Lordship had laid more stress on this than had the Ridsdale Judges. It seemed that the most had been made of such few passages as would at all bear out the case; but I shewed that amongst even these few, there were some which would not bear the test of examination by the context. I shewed e.g. that the words in Bishop Grindal's Letter, (the whole of which is printed by your Lordship[k],) when read carefully, failed to support the argument for the Queen's authority, such as was implied by your Lordship, and more directly stated by the Judges. I pointed out how neither your Lordship, nor the Judges, quoted the most important series of Visitation Articles, namely, those issued just after the Advertisements, which told rather the other way. I pointed out the confusion of the expression 'publick authority' with 'Queen's authority,' which ought to be distinguished; and so on going through the *official documents*, represented chiefly by Visitation Articles, I shewed that as a whole they negatived the conclusions, drawn from one or two isolated passages, that the Queen herself authorized the Advertisements[l].

When I came to the *non-official documents*, I duly prefaced my remarks by explaining that I could not regard that correspondence otherwise than shewing what was the understanding as to the 'other order;' and that the question whether the Queen authorized the Advertisements, was only raised incidentally in them. Here again, not to allow an argument to go by default, I took your Lordship's issue, imperfect as I considered it, and replied to it[m]. It appeared to me that the Zurich letters, and similar authorities, had been thoroughly searched to find passages which referred to the Advertisements as a document issued by the Queen; all those which implied a less authoritative character

[k] Appendix to Lord Selborne's Notes, p. 74.

[l] My 'Letter,' pp. 56—63.

[m] "Still, so that I should not incur the suspicion of evading it, because I was afraid that the argument told against me, I will touch upon it before I begin my survey." — My 'Letter,' p. 69.

being omitted. What I again did was, to point out that even of the few chosen some failed to prove the desired authority, inasmuch as they did not appear to refer to the Advertisements at all.

Was none of all this an answer to any of the arguments used by your Lordship?

Your Lordship has written to me recently that you think I ought to admit that one (or two) of the passages quoted, where the words *Regium Edictum* occur, *do refer* to the Advertisements. This I readily do. But by this request it appears to me that the question at issue, even as regards this authority, is with your Lordship a different one to what it is with me.

Putting aside for the moment what we know of the origin and circumstance of issue—all of which I have detailed in my 'Letter,' pp. 23—52, and enlarged and explained in this Postscript, pp. 122—126—it appears to me it is not difficult to decide between the accuracy of those persons who thought they were the Queen's Advertisements, and those who knew them to be the Bishop's.

In the one case, we must remember the Advertisements had all the appearance which would give rise to an error. They had on the title the peculiar expression, "by virtue of her Majesty's letters commanding the same." And beyond this, the writers, or their informants, saw that those clergy who refused to subscribe to them, were summoned to various courts, and some eventually deprived of their livings; and to most this fact alone would convey to their minds the idea that they were of royal authority. The truth is, the Bishops *were supported* by the authority of the Crown in the work of obtaining obedience from the Clergy to the laws for uniformity which had been laid down in the Act of Parliament, the Prayer-Book, and the Queen's Injunctions. But this is very different from the fact that the documents in which the Bishops exhibited the law possessed the direct authority of the Crown. While the error, in supposing that they were so, was not only a very likely one, but a very pardonable one also.

In the other case, no theory can be suggested which would lead any persons to think such documents, if emanating from the Crown, were *only* issued under the authority of the Bishops.

Again, I think some allowance should be made for the use of a term which, as I have shewn, had its origin in the action which was taken by the Bishops, and nominally under the Queen's letter, *before* the Advertisements were issued. For the expression, '*vi regii edicti*,' was used by Humphrey, writing to Bullinger Feb. 9, 1566[n]. When Bullinger's reply came, in the month of May, the Advertisements had in the previous March been issued, namely, March 28. Practically, in the original letter, and therefore in the reply, the *Regium Edictum* meant the Queen's letter of which I have given the history, and which Archbishop Parker had, as it were, ready to hold *in terrorem* over the recalcitrant clergy. When he issued the Advertisements, and made them by their title to appear as if they were the direct outcome of this Queen's letter, of course the expression came to be applied to them instead. I venture, therefore, to submit, that the value of this term as an argument to *prove* the knowledge on the part of the various writers that the Queen had authorized the Advertisements, even supposing it had been frequently used, is infinitesimal.

I could not go through the numerous passages relating to this vestiarian-controversy, without repeating much of what I have already said pp. 69—86, or without producing other passages of similar import. On reading through those pages, I cannot see that I have left unchallenged any point of your Lordship's argument for the authority of the Advertisements on these grounds. That what I have said may be 'no answer' in the usual acceptation of the word, may possibly be the case, but that it meets directly the propositions which are there laid down, and from which your Lordship arrived at the conclusions there expressed, I must venture still to insist upon.

[n] See my 'Letter,' p. 70; and cf. with the expression 'Q. Majesty's Ordinance,' in Gualter's letter of August, 1565, p. 71.

Of the PAMPHLETS your Lordship adduces the "Puritan Declaration," entitled 'A Brief Discourse against the Outward Apparel and Ministering Garments'; and also the 'Examination for the time being,' which is the reply to it, adding [o]—

"The whole controversy in these pamphlets is as to the moral obligation of obedience to orders 'of the Prince' *enjoining* the use of what one calls the upper Apparell and ministring garments of the Pope's Church, and the other the Apparell prescribed by the Laws and Orders of the Realme."

But it does not follow that by the Orders 'of the Prince' are meant the Advertisements; indeed, the two are kept quite distinct: e.g. in the 'Brief Discourse' occurs the following:—

"It shall be leeful for all members to teache and to protest, that they do not use these things as things without the which the ministration should be prophaned or defaced; but only for decencie and comely order, uniformitie, and obedience to our Prince; yea, and the same is playnly *set forth* in the Advertisements that are published in print,—p. 10."

Here we have a clear distinction drawn between the *Uniformity* and the order 'of the Prince,' on the one hand, and the Advertisements, which set it forth on the other. And what makes the case stronger is, that there is printed against the last line in the margin—

"The Bishop's Advertisements."

Your Lordship admits that several Puritan writers, in attacking the Advertisements, contend that they were only issued by the *Bishops*, and not by the Queen's authority. I submit that this important evidence should be met with something more than throwing doubt upon the value of *one* instance only in Elizabeth's reign; on the ground, too, first, that Hearne disparaged the writer, and secondly, that the writer made a mistake as to the printer of the Advertisements, the mistake, in fact, being your Lordship's own. The tract of 1605 [p], and the Survey of 1606 [q] in the succeeding reign, may, or may not, be erroneous; but as the Advertisements were issued in all probability before the writers of either were born, I cannot see how their opinion, be it justifiable or not, can really affect the evidence.

[o] Lord Selborne's Notes, pp. 19, 20. [p] Ibid., p. 26. [q] Ibid., p. 27.

But above and beyond this the extracts which I adduced from the Zurich Letters proved, that even those who thought that the Advertisements were of Royal authority, thought also that that authority was used only to enforce *existing order.*

Having had occasion to make myself more acquainted with the writings of these times bearing on the subject, I venture now to say (what I did not venture to say when I wrote my 'Letter') that not one vestige can be found in any contemporary writings (allowing a margin of thirty years) of the theory that *the Royal prerogative was exercised to take new or other order as to the vestments.*

On the contrary, several contain statements which directly imply that they thought there was no change so made. For instance, "A Brief Discourse against the Outward Apparel[r]," the first quoted by your Lordship as evidence for the authority of the Advertisements, runs thus :—

"As touching the ministering garmentes that are *nowe enforced* [s]; how unmeete it is that we should now admit them, shall easely appeare to all that will consider whence they first come, howe they have bene used, and what shall happen unto us if we shall nowe receyve them.

"For the first they are partly Jewishe and partly Heathenishe . . . . Some parte of the Pope's *ministring garments* were heathenish, as is the Surplesse, the Tunicles, *the Chesible, and Cope.* And some mixt of both, as is the *Albe*, or whyte linnen garment, wherein the Priest useth to say his Masse. . . . ." (p. 28.)

". . . If there were no more in us therefore than a desire not to seeme to be Idolatours, sorcerers, or conjurers, it were ynough to move us to refuse to admit the *Ministring garmentes* of the pope's church, but there is more to move us," (p. 31.)

Turning to "An Answer for the Time[t]" (the third tract of the controversy) :—

"[This] may be more justlie applyed to yow for what popish ceremonies yow reject they are unhollye, and what yow will receve, that is good and

[r] "A Brief Discourse against the Outward Apparell and Ministering Garment, of the Popish Church." 1566. B. Mus. 697, a 22. It is supposed that Crowley was the author.

[s] Not, be it observed, 'made law,' but which *already* being the law are now 'enforced.'

[t] "An Answer for the Tyme to the Examination put in Print, pretending to mayntayne the Apparell prescribed against the Declaration of the Mynisters of London." 1566. B. Mus. 697, a 22.

orderlye; yow reject the vestement and *retayne the Cope;* yow reject the Albe and retayne the Surplesse; you reject the stole and retayne the typpet; yow reject the shaven crown and retayne the square capp. And yeat these and such lyke are in one predicament. Why yow should kepe the one and refuse the other wee knou not, but by this rule Quod volumus, sanctum est." (p. 30.)

"Platina his Albe is herto spoken of because by the former boke of Kinge Edwarde (whereto the act of Parliament referreth us) an Albe is appointed with a vestement *for a Cope* for the administration of the Sacrament, and *in some places* the priest *at this daye* weareth an Albe." (p. 115.)

And when we come to the 'Admonition Controversy[u],' in which the chief disputants are Cartwright and Whitgift[x], that is, between 1572 and 1577, we find throughout the long series not one vestige of intimation that the Advertisements *abated* a single jot of what was the law previously. It is impossible to conceive that if the Puritan party had thought that the Bishops (or whatever the authority was to which they attributed the Advertisements) had given way on any single point, they must have made use of it as a lever to demand more. A survey of the whole shews that it was the enforcement of the existing 'law' against which they rebelled; they would have *no* special vesture for the service, and *no* distinguishing apparel for out-door wear. It is true that the Surplice had to bear the brunt of the attack, for the simple

[u] The following is a list of the chief Tracts (or it may be said books) in which the controversy is carried on:—

"An Admonition to Parliament." 1572.

"A Second Admonition to Parliament." 1572. [By Cartwright.]

"An *Answer* to a certain Libel, entituled '*An Admonition* to the Parliament, by John VVhitgifte, D. of Divinitie.'" London, 1572 [2nd ed. 1573].

"A Replye to an Answere made of M. Doctor Whitgifte agaynst the Admonition to the Parliament." By T. C. [No date.] B. Mus. T. 2108.

"The Defence of the Annswere to the Admonition against the Replie of T. C., by John VVhitgifte, Doctor of Divinitie." London, 1574.

"The Second Replye of Thomas Cartwright: agaynst Master Doctor Whitgiftes Second Answer touching the Church Discipline. Imprinted M D LXXV." B. Mus. 225 e. 22.

"The Rest of the Second Replie of Thomas Cartvuright agaynst Master Doctor Vuhitgifts Second Ansvuer touching the Church Discipline. Imprinted M.D. LXXVII." Brit. Mus. 225 e. 22.

"The Works of John Whitgift, D.D." Edited for the Parker Society. 3 vols. 1851—53.

[x] In 1577 he was made Bishop of Worcester, and in 1583 translated to Canterbury.

reason that some of the Bishops enforced this rigorously, while the rest (though averse, as is well known,) must, no doubt, have enjoined it. Still, the principle of the Cope is throughout acknowledged. To begin with, the arguments used in the *Answer* to the Admonition, quoting the words of Bullinger and Gualter, support the Cope as much as the Surplice :—

"That in the ancient church there was a particular fashion of apparel for priests, it appeareth in the Ecclesiastical History of Theodoret, *Lib. ii. cap.* 27, and of Socrates, *Lib. vi. cap.* 22. No man is ignorant, which hath but lightly read over the monuments of the ancient fathers, but that the ministers used a *cloak* in their service. And therefore I said before, that the diversity of garments had not his original of the pope. Eusebius citeth out of the ancient writers, that St. John the apostle ware on his head a leaf or thin plate like unto a bishop's mitre. Pontius Diaconus witnesseth of St. Cyprian the martyr that, when he offered his neck to the executioner, he first gave him his cap, and the deacon *his upper garment*, and so stood apparelled in white linen. Moreover, Chrysostom maketh mention of white apparel of ministers."—*Answer*, p. 55, § 3, (Whitgift's Works, vol. ii. p. 22).

While Cartwright replies to this by saying,—

"The place of Theodoret, cited by M. Bullinger, maketh mention of a *golden cope*, and that used by bishops of Jerusalem, and solde by Cyrill, a good bishop; whereby he declared sufficiently his misliking of such garments in the ministerie of the sacraments. In the place the which he citeth out of Socrates, there is one Sycinius, a Novatian bishop, which is said to have worne *white apparell*, and therefore is reprehended as for to muche exquisitenesse and *finenesse* of apparel; and the B. of Duresme [Pilkington[y]] in a letter he wrote, alledgeth the same place agaynst the surplice."—*Reply to an Answer by T. C.*, p. 74.

Whitgift replies by giving the passage from Theodoret, and says :—

"Here you see that Theodoret counteth it but a fable that Cyril should make any such sale; and those that say he sold it declare that *it was not for any disallowing* of the vesture, but for necessity of the poor in the time of famine; as Sozo. *Lib. iv. cap.* 25, testifieth."

And he goes on to say that Cartwright perverts Bullinger's

[y] Bp. Pilkington's Works, Park. Soc. Edit., Letter to Earl of Leicester, p. 661.

meaning, while he refers in detail to the evidence. He lays stress upon the fact that St. John was known by the *Petalum* :—

"Whereby it is evident that this apparel was peculiar to St. John in the respect that he was a priest. That Cyprian his apparel was not usual and 'common' for other men to wear, it may appear by this, that the names of his apparel be expressed; for that which he gave to the executioner is called *birrus*, that is, 'a thin plate,' and that which he gave to the deacon was called *dalmatica*, a garment with long sleeves: as for the white linen, it is not there mentioned as any distinct kind of apparel."—*Defence of the Answer*, (Whitgift's Works, vol. ii. p. 25).

I am not concerned with the merits of these points in the controversy, or with the correctness of the references; I only quote all this to shew that the argument for the Surplice is, by implication, certainly *inclusive* of the *Cope*, and not *exclusive* of it, which would have been clearly expressed had there been any grounds for considering that the law had been changed; and when the grounds of attack upon the Ritual of the Church of England are discussed, the arguments are decisive to shew that the law, so far as the disputants were aware, had *not* been changed. The 'Admonition' had made the attack :—

"We marvel that they could espy *in the last synod*, that a grey amice, which is but a garment of dignity, should be a garment (as they say) defiled with superstition, and yet that *copes*, caps, surplices, tippets, and such like baggage, the preaching signs of popish priesthood, the pope's creatures, kept in the same form to this end, to bring dignity and reverence to the ministers and sacraments, *should be retained still, and not abolished.*"—*Admonition*, cap. vi.

The 'Answer to the Admonition' meets this argument (not by saying that Copes are abolished, *except* in Cathedral Churches, but) by the following :—

"It is well that you seem to justify the 'grey amice,' because the bishops have *disallowed* of it '*in their synod.*' Truly this is your conscience and religion, to be always *ad oppositum*, and to disallow that which *law and authority alloweth*, and allow that which they disallow. The next way, as I think, to drive you unto conformity in apparel were to make a strait law, that no man should wear such kind of apparel; because you love to be contrary to *laws and good orders.*"—*Answer to the Admonition*, p. 237, § 2. (Whitgift's Works, vol. ii. p. 51.)

Cartwright returns to the charge, thus :—

"Where first he surmiseth an untruthe, as though the Admonition misliked of the taking away of the grey Amis, where it sayeth only that there was less cause to take that *away then the surplice*, &c. Wherein there is nothing but the truthe sayd; for, because that was used in few churches, and but of few also in those few churches, therefore, if there were cause to take away that, there was greater to take away the surplice. And to take away the Amis out of the church, and leave the surplice &c. is to heal a scratch, and leave a wound unhealed."—*Reply to an Answer by T. C.*, p. 77, § 3.

Whitgift meets the matter again very plainly :—

"The grey amice was justly taken away, because the use of it is not established by any law of this realm, as the *use of other vestures be;* and in mine opinion the bishops deserved commendation in so doing; for thereby they declared that they will not suffer any rites or ornaments to be used in this church, but such only as *are by public authority established.*"—*Defence of the Answer*, (Whitgift's Works, vol. ii. p. 52).

To take another example from the same controversy :—

"If this consent in the poynts of religion be in the *surplice*, *cope*, &c., tell us, I beseech you, whether in the matter, or in the form, or in what hid and unknown quality standeth it. If it be in that the ministers use all one apparell, then it is marvell that, this being so strong a bond to holde them together in godly unitie, that it was never commanded of Christ, nor practised of prophets or apostles, neither of no other reformed churches. . . . . And, although there be which like not this apparell, that think otherwise than either their brethren, or then indede they ought to do, yet a man may finde greater dissent amongst those whych are united in *surplice and cope*, &c. then there is amongst those which weare them not, either with themselves, or with them that weare them. For how many there are that weare surplices which would be gladder to say a masse than to heare a sermon, let all the world judge. And of those that do weare this apparel, and be otherwise wel minded to the gospel, are ther not which wil wear the surplis and not the cap; other that will wear both cap and surplice, but not the tippet; and yet a third sort, *that will wear* surplice, cap, and tippet, but not the *cope?* It hath been the manner always of wise and learned men to esteem of things by the causes, and not by the event, and that especially in matters of religion."—*Reply to an Answer by T. C.*, p. 79.

Whitgift meets this only in general terms, but sufficient to shew that he knew of no distinction between the Vestments appointed in Parish Churches and those in Cathedrals :—

"Some I know there are, which agree with us in wearing the apparel, and join with you in contention, subscribe to all our orders and articles, and

yet in certain places and companies maintain your opinions; but of such we make no account, neither I think do you, further than they may serve your turn."—*Defence of the Answer*, (Whitgift's Works, vol. ii. p. 62).

I may add one more passage from Cartwright's Second Reply of 1577, in order to shew that throughout the five years there had been no suggestion made that the Advertisements had abolished the Cope in Parish Churches :—

"His reply whereunto page 284 is that 'althow wood, gould, and oxen were necessary, yet that those abused to idolatry were not, seing other might be taken,' which is untru. For there is none of these thinges, which were not particularly commanded: so that they could not, without manifest breach of God's commandment, be changed. And if there had bene no such particuler commandements: yet those which should have applied these abused thinges to the use of the devine service, had had better ground for them in the general commandement than he can shew, to *bring in the surplice and cope*. For, the lord having once declared that he would be served in his temple, by the spices and kides of these creatures of gould, &c.: they might wel know, that he could not lese his, by any wrong that men could doe. Therefore he should have compared *our cope and surplice*, with the Idolatrous cope: whereunto the Jues are bidden to say, 'get the hence.' Wherein althowh the Ans. say that *our Cope* is nothing of that nature: yet he can shew no reason why."—*The rest of the Second Reply to Second Answer*, p. 256.

A year or so later appeared the pamphlet, entitled "A Full and plain Declaration of Ecclesiastical Discipline[2]." In this, again, while the Surplice is the *main* object of attack, the Cope is sufficiently referred to, to shew that it is included in the attack :—

"They thought good to follow what soever had any shewe or ostentacioun in any Religion, and thought it to be used to the setting forthe of the gospell. Thus they take out of the Lawe allmost *all ther massing apparell* by a folishe and ridiculous imitation: that having an alter and a priest they might not want apparell for the stage. *As for the surplice* it is notable which is written off pope Siricius who fetcheth the cause and orignall off yt from Christ: and provethe that we ought to use a linen garment at devine service because Christ was buried in a winding sheete. A notable reason surely why we should use the surplice in our Churches; but peradventure they are ignorant of their oune antiquities, and the surplice is to be thought rather to have been bo-

[2] "A Full and plaine Declaration of Ecclesiasticall Discipline owt of the Word of God, and off the Declining off the Church off England from the same. Imprinted M D LXXIIIJ." B. Mus., 3932 e.

rowed by them off certen Egyptian Monckes who *upon the skinnes* which they used to wear for their apparell did weare lynnen garmentes; from whence also the name off surplice seemeth to come [!]."—(pp. 128, 129.)

"For why do they commande a *cope and surplice* to be used in devine service: or a Tippet and a Square Cappe to be worne dailie, but because they think it is of some authority with the people. . . .

"But iff they perteine only to a decency and comlynes, what needeth any commandement to be given to a minister to use dailie the tippet and the square cappe, and a Priest's gowne, and at devine service, the *cope and the surplice* seeing a minister who is set over the government off the churche and by the Apostles' rule ought to be suche a one as not only is able to use him selffe honestlie in every thing, but also suche as keepeth his familie in order and ought to be an example off all modesty and honest comelines to his flock." —(pp. 129, 130.)

And after some general arguments against apparel, that it is but a "conformitie with papistes and a superstitious decency, as also in using the signe of the Crosse in baptisme, the *rounde cake* in the Lorde's Supper, and many other such ceremonies," the writer proceeds with a more especial attack upon the Surplice :—

"But they saie further that men should be admonished that they are nowe used to an other ende then they were by the Papistes; and that the abuse cannot take awaye the right use off them: and althoughe the popishe priesthoode be a most grevous leprosy, yet the apparell which they used, iff yt be washed againe, may be applied againe to our use: but I say that of all the leprous garmentes they have chosen the filthiest, and most polluted: and such as cannot be washed nor made cleane againe by anie art or conning of the fuller. For seing it is manifest that Popishe Priestes received ther orders by the puttinge on off a surplice and square cappe, and that they used the *coope even* to the singinge of *Masse* who is he that hathe lerned by the lawe of God to distinguishe and discerne betwene sore and sore, betwene holie and uncleane, and understandethe not."—(p. 131.)

The above passage, and many others, can be found in writings of the time, to shew how the animosity was mainly directed against the Surplice. I do not contend that any who inveighed against the use of the Surplice approved of that of the Cope, but the Cope was evidently thought to be included with the Surplice; and this must be borne in mind when any argument is adduced from the comparatively infrequent mention of the Cope either in the Letters, or Bishops' Injunctions.

A writer, whose opinion on the matter your Lordship would admit to be worthy of the highest respect, points out how, in the Zurich Letters, the frequent mention of the Surplice alone would be no argument for the theory that the Cope had been considered abolished. Dr. Hastings Robinson, in the preface to the Second Series of the Zurich Letters, writes:—

"It may be well, however, to observe, that the original words rendered by the term *Surplice* appear sometimes to have been used by the writers, when, according to the Injunctions, the Cope, and perhaps some other habits, may have been included and intended."

But taking even the words as they exist, I shewed in my 'Letter' that the Cope was frequently mentioned as in use in the same Series of Letters. And so in the Purchas Judgement[a], the Judges lay down the following proposition distinctly:—

"In the correspondence with foreign reformers, called the 'Zurich Letters,' the controversy is treated as having been confined to the *Cope and* the Surplice."

In the same Judgement[b] are also adduced several other examples, confirmatory of those quoted above; chiefly from the collection of Tracts entitled 'A Part of a Register.' In adducing these examples the Judges state that the complaint is uniformly against *Copes and* Surplices, the dates of the Articles ranging from 1567 to 1573. The passages need not be quoted here, but the reason of their being adduced is worthy of note:—

"Now all the Tracts above cited are dated within ten years after the date of the Advertisements, and the complaints so bitterly made as to the Cope and Surplice, would certainly have been *extended to the Albe and Chasuble*, had they not then ceased to exist."

How the conclusions of the Purchas Judgement and the Ridsdale Judgement are to be reconciled, is quite beyond my powers of comprehension. The one relies upon the *frequent* reference to the *Cope* and Surplice as shewing that the Chasuble and Alb were obsolete; the other relies on the *infrequent* references to the Cope to shew that that was abolished. Look at it how one will the dilemma is complete.

[a] Six Privy Council Judgements, p. 173. Third Edition. London, 1874.
[b] Ibid., p. 171—173.

But with this I have no concern just now. The evidence adduced in the Purchas case is good evidence, and cannot be gainsaid; and shews distinctly, as it was intended to shew, that the Advertisements *did not* abolish the Cope.

The circumstance, then, of some writers expressing an opinion that the Advertisements were issued by royal authority, even supposing it were correct, would be of no value to the argument unless they expressed *also* the purpose for which the royal authority was exercised. It is clear they considered it to be different from that for which your Lordship uses their evidence. It appears to me to resemble a case where a witness being called for a defence, deposes that he saw a certain man, at a certain place, doing a certain thing; and it is as if the evidence of this witness, so far as the *place* was concerned, should be taken,—that supported the indictment; but so far as it described what the man was doing, it should not be taken—that was directly opposed to the indictment. It would reasonably be urged that the testimony of the witness was equally good for one point as for the other; that it would be competent for any one to take the whole, or reject the whole, but not arbitrarily to take one half of the evidence and reject the other.

This illustration (which, with all due respect, I have ventured upon) explains my view as to the impossibility of separating reasonably, and with justice to the case, the question of 'other order' from the Queen's 'authority' in the Advertisements. Those whose evidence is taken to prove the Queen's authority disprove 'other order.' I scarcely think I ought to be charged with going a-field, when I surveyed their evidence on the question as a whole, instead of partially. In a word, even supposing that throughout the whole of Elizabeth's reign six writers could be found (which I much doubt) who thought the Advertisements possessed the Queen's authority, their evidence would be of little or no value to the issue beside the far more important fact, that out of *all* the writers of the same reign, *not one* can be found who directly or indirectly implies that that authority was exercised under the Provision for '*OTHER*' *ORDER.*

§ 12. *The Argument from 'Interpretation' as laid down in the Ridsdale Judgement.*

Although your Lordship in the 'Notes' expressly excludes the Argument from *Interpretation* in discussing the Queen's authority, still it underlies (as I have shewn) much of what is insisted upon in the 'Notes.' To make my argument complete, I feel bound to point out what I consider to be the fallacies in this Interpretation. For if it can be shewn that the interpretation of the Advertisements does not admit of the theory of 'other order,' then those Advertisements have nothing whatever to do with the 25th clause of the Act of Uniformity, under which Act alone your Lordship contends that the Queen's *authority* was exercised.

As I am bound by no official restrictions in such a matter, and as I do not propose to touch any questions of legal technicality, I am not offending against the laws of propriety in expressing in a few words how the arguments of their Lordships, as represented in the printed Report of the Ridsdale Judgement on this question of 'other order,' as to the use of Surplice and Cope, strike me; for, if I understand rightly, your Lordship accepts the grounds upon which the Judges have there settled the question.

Their argument appears to run thus :—

"If the use of the Surplice at the Administration of the Holy Communion was rendered [1] lawful[c] and [2] obligatory by these 'Advertizements'—the use of (*a*) Albs, or (*b*) Chasubles at that Administration was *thereby* rendered unlawful[d]."

Because—

"It was not seriously contended that Albs or Chasubles could, in any reasonable or practical sense, or according to any known usage, be worn, or could be meant to be worn, concurrently with the Surplice[e]."

As I have already said[f], I think the statement is open to question, even on other grounds, but it is sufficient to reply that

[c] What does 'lawful' mean here? Coming before obligatory, does it mean exactly the same, or 'permissible' *only?*

[d] Ridsdale Judgement, p. 13.

[e] Ibid.

[f] My 'Letter,' p. 99.

the words of the First Book of Edward VI. certainly do *not* involve this limitation. Passing on a little way in the Report of the Judgement, (and without any additional argument from the interpretation of the passage in the Advertisements) I find that it is laid down that the Ornaments' Rubric must have been read from 1566 to 1662 as if an additional Clause had been inserted; thus:—

"Provided always that such ornaments of the Church and of the Minister thereof shall be retained and be in use, as were in this Church of England by authority of Parliament in the second year of King Edward VI.

"Except that the Surplice shall be used by the ministers of the Church at all times of their public ministrations, and the Albe, Vestment, or Tunicle shall *not* be used; *nor shall a Cope be used*—
except at the Administration of the Holy Communion in Cathedral and Collegiate Churches [g]."

When the two passages of p. 13 and p. 18 are read together, and it is remembered that it was precisely the Surplice with which the Cope was more especially to be used, (as distinguished on the other hand from the Albe, with which the Chasuble or Vestment was more especially to be used), according to the Rubrick in Edward the Sixth's Prayer-Book, the two paragraphs present an anomaly of a very marked character. The argument from interpretation, supposing that the premises of the 'Judgement' are accepted, would stand thus:—

[g] Ridsdale Judgement, official copy, p. 18. This becomes clearer, if we bear in mind the circumstances. The great question in 1559 was, whether the First Book of 1549, or the Second Book of 1552, of Edward VI. should be restored. Eventually this compromise appears to have been agreed on, viz. that, in order to satisfy the Puritans of 1559, the Second Book was adopted; but on the condition that the words of delivery of the Holy Sacrament in the First Book which had been struck out, in the Second Book should be restored and added to the words which had been substituted; and also that the distinctive Vestments for the Holy Communion of the First Book, which had been abrogated in the Ornaments' Rubrick of the Second Book, should be restored also.

The Judges would therefore suppose that the 1559 rubrick was to be read after 1566: Provided that the Ornaments of the First Book of Edward VI. be used, '*except that those of the Second Book shall be used*, in all but Cathedral and Collegiate Churches.'

Can a parallel clause be found existing, i.e. with an interpretation negativing the essential provision?

1. The Surplice was *never* ordered to be worn with the Chasuble. Therefore, when the Surplice is ordered in the Advertisements, the Chasuble is *thereby* . . . . forbidden.
2. The Surplice is *distinctly* by the Rubrick of 1549 ordered to be worn with the Cope. Therefore, when the Surplice is ordered in the Advertisements, the Cope is *thereby* . . . *not* forbidden!

No wonder, then, that immediately the first point is gained, by means of 'interpretation,' those means are utterly discarded as regards the second. When it was found that the same argument which *excluded* the Albe and Chasuble would necessarily *include*, and be a strong argument for, the Cope, a new, and what I am justified in calling an *historical*, argument is set up, and the former wholly abandoned.

After a slight reference to a very *material* point (viz., that a large portion of the Advertisements concern matter with which the Queen has nothing to do, and which are certainly *not* included under the Ornaments and Rites of the 25th and 26th clauses of the Act), and its dismissal by simply declaring it '*immaterial*,' the argument proceeds[h]:—

"The proof of the subsequent reception and enforcement as law of the [new][i] order, established by the Book of Advertisements as to the Vestures of the ministers of the Church in the administration of the Holy Communion, from 1566 to . . . 1662, is complete.

"*After* 1566, Vestments, Albes, and Tunicles (*Copes* also in parish and non-collegiate churches) are *mentioned* in the official Acts of the Bishops and others, performed in the public exercise of their legal jurisdiction, *only* as things associated with superstition, and to be defaced and destroyed."

Remembering that we are now dealing with the *Cope* (since Albes and Chasubles have already been declared illegal on other grounds), no one would suppose from the above passage that between the years 1566, up to the year 1600, no Visitation Articles are to be found in which the Cope is *mentioned at all.* Yet this is, I believe, the case, for I have examined carefully

[h] Ridsdale Judgement, p. 13.

[i] Of promulgating and enforcing the proposed *new* order. Judgement, p. 10.

all the Visitation Articles during Elizabeth's reign which I can find to be in existence. What I do find, however, is this: one mention of the Cope in a series of Articles *before* 1566, and one *after* 1600. The latter, besides being beyond all bounds to justify the statement, happens to refer to Copes hidden in houses. The former deserves attention, and I quote it.

The Articles of Visitation of Archbishop Parkhurst (of Norwich), as early as 1561, contain the following:—

"Whether al Aulters, images, &c. . . . and all other supersticious and dangerous monuments, especiallie *paintings and images* in walle, *boke*, *Cope*, Banner, or els where, of the blessed trinitie, or of the Father, . . . be defaced and removed out of the churche, and other places, and are destroyed; and the places where such impietie was, *so made up* as if there had been no suche thing there[k]."

Let it be said in passing, that no doubt as the Copes were often made of rich and valuable material, there was easily sufficient *pretence*[1] found in many cases for doing away with them; and this was the case just *as much* before as after 1566[m].

But how can the statement in the Judgement be reconciled with the fact of the *only* mention of the Cope, in the thirty or forty years, being in those Articles issued *before* 1566.

It is true we find during that time one or two enquiries as to 'Vestments,' evidently with the view of their being, in the Bishop's opinion, unlawful; but then surely it cannot be insisted that Cope and Vestment are necessarily the same; besides the Judgement distinctly says '*Copes also*.' Then, with a view to make the case stronger, the Judgement implies that in the Cathedral and Collegiate Churches, according to these Articles, the Cope is at

[k] Bodl. Lib. Printed in Ritual Commission Report. Append. E., p. 402.

[1] "And in many places they, and *copes also*, were defaced or destroyed under *pretence* of executing the Queen's Orders against monuments of superstition." Lord Selborne's 'Notes,' p. 12. See also my 'Letter,' pp. 102, 3.

[m] In reading accounts of Vestments destroyed, such, for instance, as those recorded in the Lincolnshire Returns, of which a complete transcript has been printed by Mr. Peacock, we find many Copes, evidently of great value, had been sold, stolen or defaced, from 1561 up to 1566. In some fifty churches the Cope was, however, still retained.

least retained, if not actually appointed. I do not find *one case.* I cannot say it does not exist; but considering that to well-known documents, and to observations of far less importance, a reference is given, I am inclined to think that in this case it is omitted from other causes than accident.

But above and beyond the circumstance that the statements either that the Cope was condemned in village churches, or excepted from that condemnation in cathedrals, are not borne out by the Bishop's Injunctions and Visitation Articles, I should be much inclined to demur to these episcopal utterances being accepted as representing the *law* on any question of variety in the services of the Church.

Knowing that many, I may say most of the Bishops, held strong Puritan opinions, a considerable allowance should be made even for the general tenor of their administration in all matters of ritual. While some we know were even averse to *enforcing* the Surplice, few, if any, would go one step beyond the minimum actually enjoined; and their own views would naturally lead them to associate the Cope, though it might be absolutely free from superstitious ornamentation, with vestments which were so ornamented; these latter the law not only permitted, but enjoined them to destroy. With this tendency, had there been any excuse to be derived from the Advertisements of 1566 to diminish the Ritual, it is quite certain they would have availed themselves of it, and in no ambiguous terms. The words 'Surplice *only*,' or a direct injunction to do away with all Copes, depend upon it, would have appeared, with a distinct reference to those Advertisements. But we find that no Archbishop or Bishop in his Injunctions, between 1566 and 1600, orders a Cope to be destroyed, or in his Visitation Articles enquires if such has been done. With peculation and Puritan fanaticism at work, of course Copes, with all other vestments, were destroyed wholesale, and the Bishops did not care to prevent it. The wonder to myself is, when reading the letters and other writings of these times, that the Surplice did not go too.

As an example of a series of Bishops' Injunctions supposed to represent the 'law,' let me take from the same reprint those of Bishop Davies, of St. David's (A.D. 1583).

He takes advantage of the discretion allowed to the Ordinary, to enjoin throughout his diocese (without reference to the question whether he is appealed to or not) :—

"Item, for the better edefying and hearyng of the people in the ordinarie service, the Minister shall *alwaies* stand, either in the bodie of the Church, or at the least in the lower end of the Chauncel (where commonly the seate of the Minister is), with his face *alwaies* tourned doune unto the people."

And he goes on,—

"Item, that there bee *no* recourse by the Minister to the Communion Table to saie *any parte of* Service there, savinge only when there is a Communion to bee ministred: for it doeth retaine a memorie of the Idolatrous Masse."

Leaving again no discretion to the minister, he orders that the Communion-table, during the time of ministration, is to be placed at the lower end of the chancel, as near to the people as may be. He also enjoins,—

"Item, there bee no communion ministered in any Churche, or otherwise private, except there bee at the leaste three *for every score* communicantes that bee in the parish to communicate with the Minister."

This is a harsh and uncalled-for Injunction, and certainly is against the spirit as well as the letter of the Prayer-Book (indeed, it looks like a travestie of the rubrick, "And if there be not above twenty persons," &c.) But what are we to think of the next :—

"Item, that *every* Parsonne, Vicar, or Curate, doe from tyme to tyme use good persuasions, to all their Parishioners, lying on their death beddes, to give by their Testament or otherwise, some thyng towards *the repairyng* of the decaied *Chuche of Sainct Davides* [!]."

At the end there is this warning :—

"These Injunctions above written, and every part and percell of them, I straightly charge and commande every man (to whom thei doe appertain) fullie to observe, maintain, and keepe, upon *paine of the Laws*, for that cause made and provided."

I do not pretend that the above exhibition of peculiarities is typical of the Bishops' Injunctions, but it is not difficult to see

that the law laid down by them is at times more or less coloured by circumstances.

It is not, however, only on the "Cope" being classed with superstitious ornaments that the Judges rely for proving a change to have taken place at this time. It is, that after 1566, *Copes* are *not* enjoined in the Visitation Articles. A sufficient answer would be,—'No more are they before 1566.'

Not a single Visitation Article or Injunction can be found during the years between 1561 (when the series begins) and 1566, enjoining the Cope. And yet the same 'Bishop's Interpretation[n]' which abolished the 'Vestment,' *circa* 1561, put the Cope distinctly *in its place*, and the Bishops could not have done this except it was a 'lawful' vestment. In the Convocation of 1562[o], when they brought forward the motion to abolish the Cope, and it was defeated, we have still further evidence of its lawfulness. And during this time Copes were destroyed, as your Lordship truly says, only *under pretence* of their being superstitious. There can be, therefore, no question of their 'lawfulness' up to 1566.

If, then, at the time when we know they *are* lawful, we find no injunctions ordering them, how can the absence of the same at a later time prove them to be unlawful, and abolished by law? Yet this is in fact the contention.

The point is thus stated in the Judgement[p]:—

"The Surplice, on the other hand, in a long series of Visitation Articles (sometimes accompanied by injunctions) of not less than thirty-two Archbishops and Bishops of sixteen Dioceses in England, *commencing* with Archbishop Parker in 1567, and ending with Bishop Juxon in 1640, besides those of various Archdeacons, is consistently treated as the vesture required by law to be used by all ministers of the Church *not only* in their other ministrations, *but expressly in the administration of both Sacraments*."

To begin at the beginning, Archbishop Parker's Visitation Articles of 1567 are addressed to 'all and singular *Cathedral and Collegiate Churches* within the Province of Canterbury.' If they

[n] See my 'Letter,' p. 97. [o] Cardwell's Synodalia, p. 498.
[p] Ridsdale Judgement, p. 14.

do as they are said to do, then they enjoin a practice absolutely opposed to the Advertisements. If it is said that the date is a mistake[q], and 1569 is meant, it scarcely helps the matter. It will be observed that much point is made of beginning with 1567 (or, as corrected, 1569), because 1566 was the date of the Advertisements. It will make the matter clearer, however, to quote the corresponding passage from Archbishop Parker's Injunctions of 1563, i.e. three years before the Advertisements, as well as from those of 1569, which are three years after :—

Archbishop Parker, 1563. I. And whether the Holy *Sacramentes* be likewise ministred reverently in such manner as by the *Laws* of this Realm is appointed.

"III. Whether your . . . Prestes, Curates, or Ministers do use in the time of the Celebracion of *divine Service* to weare a Surplice prescribed by the Queen's Majestie's Injunctions, and the boke of Common Prayer."

Archbishop Parker, 1569. I. And whither the Holy *Sacramentes* be likewise ministered reverently in such manner as by the *lawes* of this Realme and by the Queen's Majestie's injunctions and by the Advertisements set forth by publick authority, is appointed and prescribed.

III. Whether your . . . Prestes, Curates, or Ministers do use in the time of the Celebracion of *divine Service* to weare a Surplice prescribed by the Queen's Majestie's Injunctions, and the boke of Common Prayer."

Had there been any 'change,' had the 'new order' to which reference is made so frequently in the 'Judgement' been understood by Archbishop Parker to affect the administration of the Sacraments, surely, it stands to reason some definite reference to the change would have been made. Because he refers to the Advertisements in 1569, and does not do so in 1563, it would be a sorry piece of evidence for proving that they made a difference. Besides, it will be observed that this reference is not added to the clause respecting the wearing of the Surplice during Divine Service. In no reasonable sense can any of the Visitation Articles during Elizabeth's reign be said to enjoin the Surplice *expressly* in the two Sacraments, to the exclusion of the Cope; and if the evidence does not amount to this, it amounts to nothing.

[q] I think this is so, from the reference; which is, however, to a different edition of Cardwell from the other references.

If it were not for two or three incidental passages in some of the earlier Articles of Visitation[r], we should be led by such a method of reasoning to pronounce Screens illegal, when, as a matter of fact, we know they were *obligatory*[s]. The total absence of the mention of Chancel-steps in *all* Visitation Articles (Archbishop Parker's included) would, by the same reasoning, lead to pronouncing them forbidden, when, as we know, they were ordered to be *retained* in all places where they existed[t]; while, with respect to such 'ornaments' as Organs, or musical instruments, which are also omitted from all Elizabethan Visitation Articles, then every church with an organ exhibited an infraction of the law. No doubt organs were not so common then as now, when, if this reasoning as to the law holds good, the clergy or churchwardens of more than ninety-nine churches out of every hundred would be liable to prosecution.

Such reasoning, therefore, cannot recommend itself. But as it appears your Lordship accepts these interpretations put upon the Advertisements by the Judgement, and that this acceptance enters into the considerations upon which your Lordship's argument for the Queen's Authority according to the 25th clause is based, I have felt justified in explaining, as part of my answer to your Lordship's argument, why I do not accept such 'interpretations.'

[r] I find no Visitation Articles later than Archbishop Parker's of 1575 (already referred to), by which it could be argued that Screens were even permissible. There are some which enjoin that Rood-lofts may be pulled down and *utterly defaced;* and if the word Rood-loft is made to imply, as the word is sometimes used for, the screen (the part for the whole), the argument would be very strong, and would stand thus: That not only by the *omission* of any mention in a very large number of Visitation Articles, it is evident that Rood-screens were 'unlawful;' but in the cases where possibly mention is made, it is clear by '*interpretation*' that they are directly condemned.

[s] See *ante*, pp. 157, 158.

[t] See *ante*, p. 162.

§ 13. *A concluding Note.*

Cleared of special interpretation, which, partly from polemical bias, and partly from ignorance of their history, has been from time to time put upon them, the Advertisements stand out as a series of Articles, holding a position, as regards authority, somewhere midway between the Queen's Injunctions of 1559 and a Bishop's Ordinary Injunctions issued at a Diocesan Visitation. Denied the authority of the Crown, they possessed very high ecclesiastical authority, inasmuch as they came directly from the Archbishop, and were addressed to the whole of his Province.

The difficulties with which Archbishop Parker had to deal, led him to seek for special means beyond the ordinary course. Some of the Bishops in his Province were so imbued with the Continental doctrines, that he could not command a general assent to much of the discipline which he considered to be desirable. He obtained the signatures of four Bishops only to the rough draft of Resolutions he made in 1561, and one other Bishop seems to have signed them when, in 1565, he revised them and sent them to Cecil. His feeling was, that, in order to proceed with any chance of success, to reform the thirty or forty abuses touched by these Articles, all of which abuses were against the principles, if not the letter, of the established laws, it would be necessary to have the Queen's authority. As the enforcement of Order was unpopular with the majority of the Clergy, who were of the Puritan faction, Cecil thought it advisable not to obtain for the Archbishop the desired sanction. This was in 1565. A year afterwards the Archbishop again became pertinacious in his request. The Queen personally may or may not have spoken to him about any definite course she wished him to pursue, but by his letters to Cecil he rather implies she was general in her commands in requiring him to enforce Uniformity more stringently; and he evidently feels his responsibility.

Giving up his plan of acting in the Queen's name, and taking all the unpopularity on himself, he begins, as he says, to 'assaye' his own authority at Lambeth in March, 1566, calling a number of the London Clergy to the Court held there, and demanding their signatures to the protestation which appears at the end of the Articles which he and the five fellow-Bishops of his Province had agreed on, and which were now printed. He sends copies to the Bishop of London, to be distributed by him in other parts of his Province. He then called them Advertisements, and had, before printing, added to the title, partly by way of justification in issuing them, partly by way of giving them the appearance of as much authority as possible, the words, 'by virtue of the Queen's Letter of Jan., 1565.'

This was a Letter which he had distributed a year before in his Province. It had been drawn up by Cecil, but appears never to have been signed by the Queen. As it only expressed the Queen's desire to see more obedience to existing laws, and the provisions of the Act of Uniformity more rigorously enforced than they had been, this omission was perhaps considered to be a matter of no great importance.

The exertions of the Archbishop were no doubt seconded by Cecil; had it not been so we should, in the then temper of the Clergy, have heard of Appeals to those in power against Deprivations and the like by the Ecclesiastical Courts.

The controversial pamphlets by the Puritans of the time have in them all the elements of opposition to the Church which we find now represented in the declarations and protestations made by Dissenting bodies. Episcopal government and the General Church Polity, perhaps, stand foremost; but not far down in the list the wearing of distinguishing clothes out-of-doors, and distinguishing vestures in the church, received a very large share of the abuse. As regards the former, the square cap, and as regards the latter, the Surplice and Cope, were the objects of attack; the Surplice is more frequently named, but evidently as inclusive of the Cope. The Albe and Chasuble

had ceased to be in use; the Bishops, as early as 1561, had agreed upon substituting the Cope only; and even the Cope does not appear to have been insisted on at any time, definitely and apart from a general order to wear the Surplice, either before 1566, or afterwards. In 1562 the matter of Vestments, Rites, and Ceremonies, had been brought before Convocation, and so strong was the Puritan party there, that when the *six articles* were brought in they were only lost by one vote, viz., fifty-eight voting for the new articles, and fifty-nine against. Amongst them, one proposed that it *be sufficient* for the minister to use a Surplice, in the ministering of the Sacraments; others proposed the abrogation of nearly all holy-days, the omission of the cross in baptism, the leaving kneeling at the Holy Sacrament to the discretion of the Ordinary, and the removal of organs[s].

That Archbishop Parker strained every point to give the appearance of royal authority to his action in the matter of enforcing discipline may be conceded, and that the Queen was very anxious that uniformity should be established, and pressed the Archbishop that he should use all means in his power to attain that end, and that Cecil aided him, as far as policy permitted, may also be conceded. But that is all.

During the remainder of Elizabeth's reign many controversies and troubles arose. In order to sustain the efforts made for uniformity, another letter on Aug. 20, 1571, was written to the Archbishop, referring to the letter of Jan. 1565, again enforcing uniformity[t]. This letter was signed by the Queen and duly dated, and is found amongst Archbishop Parker's papers :—

[s] This was on Feb. 13, 1562. The paper put in before, headed by the Dean of St. Paul's (Nowel), and the Dean of Ch. Ch., Oxon (Sampson), had the clause, 'that the use of Copes *and Surplices* may be taken away,' but there is no evidence that this was voted on. See Strype's Annals, vol. i. cap. xxix. pp. 336, 337.

[t] Had there been any change of the law, or had she exercised her prerogative and 'taken other order' in her letter of 1565, it is inconceivable that in 1571 she should use such words. Printed by Cardwell, D. A., p. 37, from Strype, Life of Parker, p. 330. The original is preserved amongst the Petyt MSS.

"We, minding earnestly to have a perfect reformation of all abuses, attempted to deforme the Uniformity prescribed by our Laws and Injunctions, and that none shall be suffered to decline either on the left or on the right hand, from the direct line limited by authority of our said laws and injunctions, do earnestly by our authority royal, will and charge you by all means lawful to proceed herein as you have begun."

Uniformity was only gained at the cost of losses in both directions; some, perhaps, to Rome; more, perhaps, to Dissent, which in spite of all efforts grew in strength.

But there was a very large body, nominally, within the pale of the Church who abjured in fact most of the doctrine and practices of the Church of England; notably the use of the Surplice; and such was the laxity of the Bishops, that there is reason to think that in many instances it was not enforced.

In the early part of King James's reign, the Hampton Court Conference raised fresh hopes amongst the Puritans; and in a singular manner the Advertisements are introduced into an argument in one of the numerous pamphlets of the time, entitled, "Certain Considerations drawn from the Canons of the last Synod, 1605[u]." Ingenious in picking holes in the laws, as an excuse for breaking them, I venture to think the author supplies the nucleus of the myth to which I have adverted, namely, that the Queen took 'other order' in the Advertisements; since it is the earliest trace I can find. The specious reasoning adopted by the writer will, perhaps, be shewn best by his argument, that he is not bound to obey the Prayer-Book, because the Prayer-Book he finds in churches is not in accordance with the letter of the Act; the Act spoke of a certain correction in the form of Litany, whereas in his book there is no correction in the form of the Litany, but instead the omission of one of the suffrages. He argues, also, that the Lessons are not in accordance with the Act, and with a considerable amount of word-splitting over many other details, he comes

[u] "Certain Considerations drawn from the Canons of the last Synod. For the Diocese of Worcester." London, 1605. B. Mus., 5155 a.

to the question of the Surplice. This, he contends, he is not bound to wear, because there is no law to that effect :—

"By the Advertisements wherupon (as it seemeth) *they did principally rely*, and by authoritye whereof they did *chiefly proceed* as is apparent that neither the letter nor intendement of the statute (for the alteration of Ornamentes), was observed, and that therefore the commandement of wearing a Surplice in stead of a white Albe playne by the Advertisements was not duely made," (p. 35).

"For though by her Highness letters it doth appeare, that she was desirous, as the *preface to the Advertisements importeth*, to have advice from the Metropolitan and Commissioners, that she might take order; nevertheless, that her highness by her authority, with there advise, did take order and alter the ornaments; this I say doth no where appeare—no *not* upon the Advertisements themselves," (p. 36).

It is possible that it was with this pamphlet in his mind, that Sparke in 1607 introduced into one of his arguments the theory that the Queen ordered the Surplice instead of the Albe, the purport of the evidence adduced by the first writer being forgotten. Historians, as can be verified in a thousand instances, copy one another, like sheep follow each other in the fields. Starting with the hypothesis that 'other order' was taken, it is easy to see how the 'other order' was searched for, and, in process of time, was found. This is the course of many historical myths : a slight error in one writer, like the children's snowball, is increased as it is rolled along till it assumes large dimensions; and this has grown till it has developed into the monstrous story that Queen Elizabeth abolished the Cope.

Throughout these pages, I have, I hope and believe, kept clear of polemical questions. It is not for me to discuss whether a special Vestment should or should not be retained for the highest Service which our Church provides us, nor yet what kind of Vestment was anciently prescribed.

The point with me is a simple one. The Judicial Committee of Privy Council profess to judge the question purely as a legal one, with all secondary questions put on one side; and in that Judgement evidence is adduced, from various sources; but it has appeared to me to be arranged, not to say perverted, in

such a manner that the conclusion arrived at is diametrically opposed to the most clearly established facts of history.

That the Queen, whose every known act and expressed will was opposed to the diminution of the high Ritual, should, for no known cause whatever, abolish any, or all, of the Vestments for which special provision was made in the Act; that Cecil and Archbishop Parker should advise her to do so, while their own views were absolutely opposed to the same; that no opportunity was taken of cancelling the leaf in copies of the Prayer-Book already printed (as was done in the case of the Lessons in 1561), or in having the correction made in any of the thirty-two editions which we know were printed during the reign; above all, that throughout the reign no writer should have put the fact on record,—all this is so utterly opposed to reason and common sense that it cannot be.

It has been my task to sift that evidence; to cross-examine the witnesses; to call for letters; to see that they are dated, signed, and sealed. In the Synopsis printed herewith, references are given to the pages where each document is so dealt with. The story they tell, when so examined, appears to me to be very different to the evidence on the Brief which appears in your Lordship's 'Notes,' or to what must have been before the Judges when they came to their decision and drew up their Judgement.

If their conclusion is right, then all our recorded history is wrong; if the 'other order' was taken, hundreds of letters and other documents concerning this question are erroneous. For the Queen, and Cecil, and Archbishop Parker must all have yielded to Puritan clamour. The Advertisements must have been a concession to Puritan sentiment, instead of affording cause for animosity. The attack must have been from the total ignorance of all concerned of their true purport. But this cannot be so. It is said, and I have no doubt truly, that Judges in their successive Judgements make the Law; but they cannot do more than this, they cannot make HISTORY.

A SYNOPSIS

Of the Arguments in the Ridsdale Judgement; Of the Additional Evidence in Lord Selborne's Notes; and Of the Replies in my Letter and Postscript;

With reference to the pages.

The Line of Argument adopted in the Ridsdale Judgement appears to be briefly this,—

The Rubricks of 1549 [= Edw. VI. First Book] enjoined Surplice for other services than the Holy Communion. But for Holy Communion a Surplice [or Alb] with a Cope [or Vestment] additional.

The Rubrick for 1552 [= Second Book] enjoined Surplice *only* for all services, abolishing *by name* the Albe, Vestment, and Cope.

The Rubrick of 1559 [= Elizabeth's Book] restored the Vestments generally (under the name of Ornaments of the Minister,) as in the 1549 book.

But the Act by which the 1559 Rubrick became lawful, left it in the power of the Queen to alter, or add to, Ornaments, Rites, and Ceremonies [= other or further order].

It is contended,—[By the Ridsdale Judges and Lord Selborne,]

That early in 1566 a Book was published by the Archbishop of Canterbury called *Advertisements*, and that in these Advertisements 'other order' was taken 'by the Queen,' as regards the Albe, Vestment, and Cope.

To prove that 'other order' was taken in the Advertisements 'by the Queen,' the following points are insisted on :—

(*a.*) That they were issued under a 'Letter' written by the Queen.

(*b.*) That they were presented, and received the Queen's sanction.

(*c.*) That they were acknowledged as being by the Queen's authority in the Articles of Visitation of Bishops, and other official documents.

(*d.*) The same in unofficial writings.

(*e.*) The same by subsequent *historians*.

(*f.*) That the Official documents after 1566 condemn the 'Copes' as superstitious ornaments, and by ordering the Surplice only, prove that the Cope was abolished at that time.

Therefore, as for some reasons the Albe and Chasuble, and for others the Cope, were abolished, the Ornaments' Rubrick after 1566, and still now, is to be read as restoring the 'Ornaments' of 1552, except in cathedrals.

To point out errors in this evidence is the purpose of my Letter and Postscript.

To prove the Provisional Character of the Ornaments' Rubrick, 1559.

The enactment of the 25th clause was *provisional*, and *prepared* the way for subsequent exercise of power. *Ridsdale*, 4.

The Act itself was printed at the beginning of the book. *Selborne*, 5.

1559.

When this clause is read with the second part, which belongs to it, it is not *provisional* in character. *Letter*, 9.

The Act was printed *after* the Prayer-Book, but was bound up at the beginning. *Letter*, 5.

The Ornaments' Rubrick was not intended to be an enactment at all.

Ridsdale, 4.

It was thought necessary by those who prepared the [Prayer]-Book for the press, to alter the Rubrick of 1552, so as to make it agree in sense with what they understood to be the immediate effect of the clause. *Selborne*, 11.

[No mention of this either in] { *Ridsdale* or *Selborne.*

(*a.*) *The Advertisements were issued under the Queen's Letter.*

In 1564, the attention of the Queen was directed to the disorder and inconsistency of practice on the subject [i.e. use of vestments] in the Church. *Selborne*, 13.

Her determination to establish by all legal means such a *rule for the future*, as was declared in the Letter to Archbishop Parker, Jan. 28, 1565. *Selborne*, 13.

The Queen had in *the most formal manner*

by her Royal Letters

commanded the Metropolitan and other Prelates to

prepare the Advertisements.

directing them *so to proceed* by order, injunction, or censure. *Ridsdale*, 9.

It was as close a copy of the enactment as it stood in the Act of Uniformity as was found possible under the circumstances, or practicable in a rubrick. *Letter*, 6.

January, 1561.

Queen Elizabeth, under sign manual, addresses the Archbishop and Commissioners under the Great Seal, and citing the clause of the Act of Uniformity, requires them to take 'other order' in the Lessons, and 'further' order in certain Ornaments over the Holy Table.

Letter, 10—12.

January, 1565.

The *general* lawlessness amongst the new Puritan party was the occasion of Cecil writing the Queen's letter. *Letter*, 27.

Postscript, 124.

[No evidence can be found that the Queen's attention was called to *this* particular question.]

The Queen's Letter has not one single line about *rule for the future*, or *preparing Advertisements.* *Letter*, 31—33.

Wholly refers to enforcing *existing* rules.

Letter, 32.

Drawn up by Cecil without the Queen's knowledge or *desire.* *Postscript*, 125.

Probably never shewn to the Queen at all. *Postscript*, 134.

The Title of the Advertisements the source of error. *Postscript*, 145.

The Bishops were to learn what cases there were of diversities from established law, and then to *proceed against* the offenders. *Letter*, 31. *Postscript*, 141, and note.

THE LETTER, as originally drawn up by Cecil's Clerk, and corrected by Cecil.

Postscript, 127—130.

THE LETTER, as finally copied.

Letter, 28—30.

The Advertisements were issued *under* [this Letter of Jan. 25] rather more than a year later. *Selborne*, 13.

The Advertisements were issued by the Prelates,

as Orders prepared under the Queen's authority. *Ridsdale*, 9.

The Advertisements were *not* issued under it in the sense that they were issued because of it; since *all* that was required *under* it was done in 1565.

Letter, 34; *Postscript*, 140.

i.e. a LETTER was written to Bp. Grindal. *Postscript*, 138.

Lists of varieties obtained. { *Letter*, 35. *Postscript*, 147.

[In many places the existing law was enforced more rigorously in consequence.]

That Letter was a Commission to Commissioners. *Lord Selborne's* MS. Notes, quoted *Postscript*, 119.

The Advertisements were the Orders issued by the Commissioners. *Ibid.*

By the sole authority of himself and his brother *Commissioners*. *Ridsdale*, 10.

It is not disputed that these Advertisements were issued . . . also with the advice of the Commissioners for Causes Ecclesiastical. *Ridsdale*, 9.

[N.B. The words of the Proviso of the Act are 'with the advice of Her Commissioners *appointed under the Great Seal of England* for Causes Ecclesiastical.]

The first draft of the Advertisements was prepared soon after the receipt of the Queen's Letter [Jan. 1565],

The Letter addressed to the Archbishop is not in the form of a Commission. Does not cite the Act under which it is issued as other Commissions do. Has no sign manual or signet. It is not dated. *Postscript*, 133.

No Commissioners named, but the Archbishop was only to *confer* with heads of Colleges, &c., and such Bishops and others who were in Ecclesiastical Commission. *Postscript*, 135.

No Bishop, except Bishop of London, was a Commissioner *under the Great Seal*. *Postscript*, 135.

Abp. Parker says the Articles were agreed upon long ago [1561], viz., by Bishops of London, Lincoln, Winchester, and Ely.

Lately considered [? by himself].

Sends them in the rough for Cecil's perusal, March 3, 1565.

Transcribes and sends them to Cecil. *Letter*, 36.

in the form of an Order running in the Queen's name. *Ridsdale*, 10.

Not running in the Queen's name, but in the Bishop's name only, with whom the Archbishop had conferred. *Letter*, 14.

They do not profess to be 'new order,' but Advertisements for *due* order. *Letter*, 17.

It appears from passages in several letters that the Bishops wished the Civil power to undertake the enforcement of the proposed '*New Order*.' *Ridsdale*, 10.

[Which Order Archbishop Parker had not as yet put into final shape.]

The Archbishop wanted the Crown to help him in enforcing the *old* order only, i.e. existing order. *Letter*, 38.

Cecil files the Articles, writing on them 'Ordinances accorded by the Archbishop of Canterbury *in his Province*.' *Letter*, 37.

[A year appears to elapse, and no notice of the Advertisements.]

(*b.*) *The Advertisements received the Queen's sanction.*

The Draft was not approved, and it was sent *again* a year afterwards.

Ridsdale, 11.

The Advertisements were never published in their rejected form, as we know from Cecil's endorsement. *Selborne*, 16.

That the Archbishop knew no *new order* could legally be taken by the sole authority of himself and his brother Commissioners, is abundantly clear. *Ridsdale*, 10.

Their Lordships understand that the Queen had determined that the *new order* made with her authority should be enforced by the Metropolitan. *Ridsdale*, 12.

[No notice taken of this.]

That the Archbishop, . . . from personal interviews with the Queen, must have had the Queen's *pleasure distinctly* made known to him is certain. In a letter he gives an account of an audience on the 10th of March, exactly two days before his letter to Cecil of the 12th of March. *Ridsdale*, 11.

[N.B. These subscription clauses are at the end of the Advertisements, so probably the printed copies were used at the Court held at Lambeth, March 26th.]

In his official letter to Grindal, March 28, 1566, enclosing the Book of Advertisements, he refers to *another* [?] interview which they had both then recently had with the Queen, by her own command, in which she charged them 'to see her laws

March, 1566.

In 1565 they did not profess, or pretend to be, by 'virtue of the Queen's Letter of Jan. 25,' nor were they called Advertisements. *Letter*, 39, 40.

He therefore left out all that was *new order*, i.e. 'other order,' in the second draft of the Advertisements; and writes, March 28, 1566, 'I have put in but things advouchable, and, as I take them, against *no law* of the Realm.' *Letter*, 43.

[i.e. not against the existing law as to Vestments.]

In the draft of 1565, when disapproved, they were addressed to the Church of England.

In the final, i.e. as published, they were addressed to his Province of Canterbury *only*. *Letter*, 22.

March 12.

Abp. Parker explains, in this letter of March 12, 1566, that he had endeavoured *himself* to enforce Uniformity, but he *still* asks for the Queen's sanction; if, therefore, she had made known her pleasure on the 10th, she had *refused* to sanction the Advertisements. He writes, 'I pray your honour *use your opportunity*, and return *some*, if not *all*, with authority.' *Letter*, 43.

March 20.

On March 20, Abp. Parker and Bp. Grindal submit a *plan* for enforcing Uniformity in London.

i.e., by calling for *subscription* to the Advertisements, or suspending alone, and *threatening* sequestration. *Letter*, 44.

Which is partially successful. *Ibid.*, 54.

March 28, 1566.

But this letter, which was the one he had sent for Cecil's perusal, and which accompanied a parcel of the Books of Advertisements to be distributed to the Bishops, contains matter which gives a wholly diferent complexion to the transaction.

executed and good orders decreed and observed.' *Ridsdale*, 11.

[The most important parts are omitted.]

In the [Letter of March 28] he speaks of 'the orders (enclosing them for official publication in the diocese of London) as agreed upon among us long ago, and yet, in certain respects, not published.' *Selborne*, 16.

In the letter he wrote, March 28, to the Secretary of State, submitting the Advertisements in their final form (together with the draft of the letter to Grindal) for approval. *Ridsdale*, 11.

They could *only* be against no law of the Realm, if they were issued by the Queen's authority. *Ridsdale*, 12.

For what purpose were they sent to Cecil [March 28], except to obtain that authority for their promulgation in the form and manner proposed? *Ridsdale*, 12.

He says that some hindrance to enforcing Uniformity had arisen from lack of *particular description*. Therefore, in consequence of her Majesty's desire to see *her laws* observed, he sends 'this *our* convenient order,' described in this book, to be distributed. *Letter*, 48, 49.

Read rather,—

Submitting the draft of the letter to Grindal (together with one of his printed copies of the Advertisements) for approval;

He writes, '*I have put in them* but things against no law of the Realm.' *Letter*, 45.

At the same time that he distributes copies to his own Diocese and his own Commissary, he sends a specimen copy to Cecil, stating that he has decided to 'assaye' with *his own* authority, and distinctly asks Cecil for *advice* and help, and *not* for the Queen's authority.

It is clear he had not obtained the Queen's authority, for that is why he issued them, as he says, on his 'own' authority. *Letter*, 45—47.

(*c.*) *Evidence from Official Documents that the Queen authorized the Advertisements.*

Immediately after their issue on May 21st, Bishop Grindal wrote to the Dean of St. Paul's, *stating* they were issued by the Queen's authority. *Ridsdale*, 9.

The first of these is Grindal's official letter to the Dean and Chapter of St. Paul's, dated May 21, 1566. *Selborne*, 24.

The Articles of Archbishop Parker [1569], speak of them as 'Advertizements set forth by *Public Authority*.' *Ridsdale*, 9.

[The Articles of Abp. Parker, 1567, and others which tell the other way, *omitted*.]

Grindal does *not* state this. He says, 'such habit as is ordeyned by authority and *expressed* in the Advertisements.' *Letter*, 56, 57.

They refer to the Laws and Injunctions *only*, as representing the authority. *Letter*, 58.

The passage, with its context, shews that *publick* authority is just what the Queen's authority is *not*. *Letter*, 59.

Parkhurst, Injunctions. Norwich, 1569.

Cox, Injunctions. Ely; Grindal, do. York, 1571.

Parker, Articles. Winchester, 1575. *Letter*, 62—64.

[In the latter a reference to other 'Advertisements' than those of 1566. *q.v.*] *q.v. Postscript*, 157.

In 1583 the Articles presented to the Queen, and referred to as the Book of Advertisements, have in the *margin* 'set out by her Majesty's Authority.' *Ridsdale*, 9.

The other is, Articles &c. . . . Oct. 1583. And the *marginal note*, 'by her Majesties Authority.' *Selborne*, 25.

The Advertisements are printed by the Queen's Printer, viz., Reginald Wolfe. *Selborne*, 18.

But the text of the Articles rather militates against the theory here advanced, since other authority is referred to. *Letter*, 66—68.

They are *not* printed by the Queen's Printer for English Books, which was Jugge (or Jugge and Cawood). *Letter*, 95.

(*d.*) *The same from Unofficial Writings.*

Archbishop Parker, writing Nov. 15, 1573, considered them to be 'an execution of the Statutory Power.' *Ridsdale*, 12.

In the Zurich Correspondence the phrase *Edictum* Regium several times occurs. *Selborne*, 18.

May 1, 1566, Bullinger to Humphrey.

? 1566, Humphrey to the Queen. *Selborne*, 19.

Sept. 11, 1566, Gualter to Beza.

June 6, 1566, Abel to Bullinger.

Wiburn's Thirty-nine Articles. *Selborne*, 20, 21.

Sept. 11, 1566, Gualter to Parkhurst.

Sept. 11, 1566, Gualter to Beza.

Feb. 12, 1571, Cox to Gualter.

June 9, 1572, Gualter to Cox.

July 20, 1573, Bullinger to Gualter.

Feb. —, 1566, Jewell to Bullinger. *Selborne*, 22—24.

The Advertisements of Oct. 10, 1561, have equally the clause,

'That fonts be not removed.' *Postscript*, 164.

But as it first occurs in Humphrey's letter of Feb. 9, 1566, it shews it was *not* applied to the Advertisements, issued March 28.

Without date. Qy. of same time as letter to Bullinger, i.e. February.

In August, 1565, the term 'Queen's Majesties Ordynance' occurs, of which Regium Edictum is probably the translation. *Letter*, 71; *Postscript*, 177.

[This term, having been used generally for the 'enforcing' the Surplice, it came to be applied, though inaccurately in a few cases, to the Advertisements. On the other hand, some of the Zurich Letters speak of them distinctly as the *Bishop's* Advertisements. *Letter*, 72, 86.

The procedure made the Advertisements *seem* as if by authority, *Postscript*, 176.

Erroneous references by Bishop Horne to 'Authorities.' *Letter*, 71.

Whatever value the Zurich Letters have for shewing that some regarded the 'Advertisements' as an authoritative document for enforcing Uniformity, their value is tenfold in shewing that the writers did not know or understand that any 'other order' had been made than what was the law before March, 1566.

See Summary of Zurich Correspondence. *Letter*, 74—87.

The 'Brief Discourse' and 'Examination' refer to the obedience to the Prince's laws as to Vestments. *Selborne*, 20.

They refer to obedience to the laws *set forth* in the Bishop's Advertisements. *Postscript*, 178.

[But distinctly refer to *Copes* being still in use.] *Postscript*, 179.

The Cartwright and Whitgift Controversy on the 'Admonition' frequently refers to the continued use of the Cope. *Postscript*, 180—186.

The Full and Plain Declaration of Ecclesiastical Discipline ditto. *Postscript*, 184.

The word Surplice in the Zurich Letters ditto. *Postscript*, 185.

The extracts given in the Purchas Judgement ditto. *Postscript*, 186.

(*e.*) *The same from Writers and Historians, [all seventeenth century.]*

No writer of reputation, in any work published *before* the eighteenth century, seems to have suggested a doubt that they were, as a matter of fact, authorized by the Queen. *Selborne*, 13.

No authors of any account can be found *before* the seventeenth century which considered them to be issued by the Queen's Authority, and *none whatever* which considered them to be of authority under the 25th clause of the Act of Uniformity [i.e. 'other order'].

Hooker describes them as a decree, confirmed by her Majesty's authority.

Does not imply more than is found in the title. *Letter*, 88.

Sparke (1605) says, 'By virtue of the said Statute, with the consent of the High Commissioners.' *Selborne*, 13.

This is the first mention amongst historians of the theory. He, however, only thinks they abolished the Albe. *Letter*, 88.

Lestrange (1659) calls them an exercise by the Queen of the power reserved to her by the 25th section.

Thought that by this power the Queen ordered Copes in Cathedrals. *Letter*, 88.

Heylin (1662) says, 'and being accordingly prepared and presented to her for approval.' *Selborne*, 14.

Heylin's story, in all that can be tested, is a tissue of blunders. *Letter*, 88.

And see also summary of them. *Postscript*, 166, 167.

(*f.*) *The Visitation Articles consider Copes as Superstitious Ornaments and order Surplices only.*

From 1566 Copes are mentioned in the Bishops' Articles only as things associated with superstition.

From 1566 to 1600 not one single mention of Cope at all in any Bishop's Articles.

In Parish and *Non*-Collegiate Churches. *Ridsdale*, 13.

Neither in Parish *nor* Cathedral Churches. *Postscript*, 190.

Acts of the Bishops performed in the public exercise of their legal jurisdiction. *Ridsdale*, 13.

The Surplice, in a long series of Visitation Articles, is ordered as the legal Vestment, expressly in the administration of both Sacraments.

Commencing with Archbishop Parker's of 1567. *Ridsdale*, 13.

Copes sometimes destroyed under *pretence* of superstitious Ornaments. *Postscript*, 191.

See Bishop Davies' Injunctions. *Postscript*, 193.

No difference between the Articles before 1566 and after.

No references to its use expressly; i.e. exclusively of the Cope. *Postscript*, 195.

Which happen to be addressed to his *Cathedral*. *Postscript*, 194.

Incidentally to the above, the following minor questions suggested by Lord Selborne's Notes are discussed in my Letter and Postscript.

Elizabeth's 'further order' of 1561 shewn to meet the requirements of the Act. *Letter*, 11.
——— Compared with King James's Warrant of 1604. *Postscript*, 120.
——— Contrasted with the Advertisements. *Letter*, 14.
——— Contrasted with the Queen's Letter of 1565. *Postscript*, 133.
The Bishops' Resolutions and Orders, 1561. *Letter*, 97.
The Orders of October 10, 1561. *Postscript*, 157.
The Device in enforcing Uniformity in 1563. *Ibid.*, 123.
The Queen's Letter of 1565 concerns the Province of Canterbury only. *Ibid.*, 137.
The Advertisements appear addressed to the Province of Canterbury only. *Letter*, 42.
The Proceedings at Lambeth, 1566 (probably under the Advertisements). *Ibid.*, 54.
The Disuse of Surplices, &c., at St. John's College, Cambridge. *Ibid.*, 75.
The Purport of the Advertisements from internal evidence. *Ibid.*, 17.
——— Compared with the Order of October, 1561. *Postscript*, 157.
——— Compared with the 'Varieties' of February, 1565. *Ibid.*, 149.
The 'varieties' in the Services, Feb., 1565. *Ibid.*, 147.
The name Advertisements. *Ibid.*, 93.
The Printer of the Advertisements. *Postscript*, 160. *Letter*, 95.
The Difference between the first draft, 1565, and printed copies issued, 1566. *Letter*, 39.
The use of the terms, 'Other' and 'Further.' *Postscript*, 165.
The Albes and Chasubles rarely mentioned. *Letter*, 96.
The Ordering of the Surplice does not exclude the Cope. *Ibid.*, 99.
Need Ornaments authorized be imperative. *Ibid.*, 100.
The Copes not in common use. *Ibid.*, 102.
James I., The 'Further Order' taken by. *Ibid.*, 105.
Charles II., Cosin's Corrections in 1661. *Ibid.*, 109.
——— Cosin's return to London. *Postscript*, 166.

How far the Question of authority can be separated from that of 'other order.' *Ibid.*, 168.
That Lord Selborne's remarks tend to shew that the Cope was abolished. *Ibid.*, 171.
Lord Selborne's Letter to the "Guardian" *Ibid.*, 174.

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